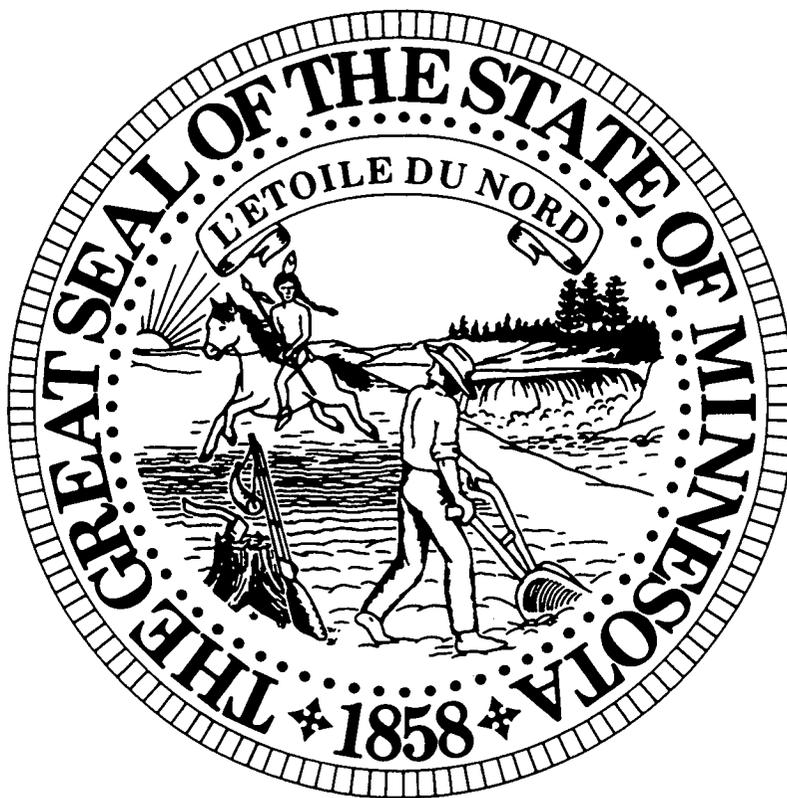


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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

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Arne H. Carlson, Governor

Debra Rae Anderson, Commissioner
Department of Administration

Kathi Lynch, Director
Print Communications Division

Robin PanLener, Editor 612/297-7963
Debbie George, Circulation Manager 612/296-0931

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Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

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Contact: House Information Office (612) 296-2146
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Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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4655.9200; .9300; .9324; .9326; .9327; .9328; .9329; .9331; .9332; 4658.0010; .0020; .0025; .0030; .0035; .0045; .0050; .0055; .0060; .0065; .0070; .0075; .0080; .0085; .0090; .0095; .0100; .0105; .0110; .0115; .0120; .0125; .0130; .0135; .0140; .0145; .0150; .0155; .0190; .0300; .0350; .0400; .0405; .0420; .0430; .0435; .0440; .0445; .0450; .0455; .0460; .0465; .0470; .0475; .0490; .0500; .0505; .0510; .0515; .0520; .0525; .0530; .0580; .0700; .0705; .0710; .0715; .0720; .0725; .0730; .0750; .0800; .0805; .0810; .0815; .0820; .0850; .1300; .1305; .1310; .1315; .1320; .1325; .1330; .1335; .1340; .1345; .1350; .1355; .1360; .1365; 4660.1700; .5030; 9050.0040; .0210; .1030; .1070; .0390 (proposed).....	785	5210.0680 (adopted).....	1150
4670.1320; .4210; .4220; .4230; .4240 (proposed).....	1394	5221.6010-.8900 (adopted).....	1412
Plumbing Code		5225.0010; .0050; .0090; .0100; .0300; .0400; .0410; .0500; .0550; .0600; .0700; .0880; .0900; .1000; .1110; .1140; .1180; .1200; .1225; .1300; .1350; .1400; .2050; .2100; .2200; .2300; .2400; .2600; .2610; .2700; .3000; .3100; .3150; .3200; .4000; .4100; .4200; .4300; .4400; .4700; .4800; .4900; .5000; .5100; .5200; .6050; .6140; .6150; .6160; .6700; .6940; .8600; .8700 (adopted).....	591
4715.0420; .0510; .0800; .0805; .0810; .0870; .1020; .1100; .1110; .1120; .1160; .1210; .1240; .1260; .1300; .1330; .1380; .1440; .1510; .1590; .1710; .2000; .2030; .2100; .2110; .2120; .2150; .2161; .2215; .2280; .2300; .2440; .2820; .3700 (adopted).....	590	5225.1100; .1200 s.2; .3400; .3500; .9000 (repealed).....	591
4715.1215; .1300 s.5; .1590 s.5 (repealed).....	590	Medical Practice Board	
Health Risks		5600.2500 (adopted).....	765
4717.0100; .0200; .0300; .0350; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900 (proposed repealer).....	384	5605.0100; .0300; .0700; .0900 (proposed).....	110
4717.0100; .0200; .0300; .0350; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900 (repealed).....	1419	5605.0100; .0300; .0700 (adopted).....	974
4717.7150; .7200; .7500; .7650; .7800 (proposed).....	271	5605.0400; .0500; .0600 (proposed repealer).....	110
4717.7150 s.5 (proposed repealer).....	271	5605.0400; .0500; .0600 (repealed).....	974
4717.7150; .7200; .7500; .7650; .7800 (adopted).....	1191	5606.0200; .0500; .0600 (proposed).....	113
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4830.0100 (proposed).....	152	6125.8000-.8700 (proposed).....	953
4830.7100; .7200; .7300; .7400; .7500; .7600; .7710; .7720; .7800; .7900 (emergency proposed).....	285	6214.0200; .0400; 6230.0200; .0400; .0500; .0600; .0700; .0800; .1000; .1100; 6232.0100; .0200; .0300; .0900; .1000; .1600; .1900; .2450; .2550; .3600; .3700; .3800; .3900; .4000; .4100; 6234.0100; .0200; .0300; .0400; .0500; .1100; .1200; .1300; .1400; .1600; .1700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; 6236.0100; .0600; .0700; .0800; .0900; .0950; .1000; 6240.0200; .1200; .1500; .1600; .1700; .1800; .1850; 6242.0500; .0600; .0800; .1100; .1200; 6252.0100; .0300; .0350; .0600; .0900; .1000; 6254.0100; .0400; .0500; .0500; .0600; 6256.0100; .0200; .0300; .0400; 6260.2500; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; 6262.0100; .0300 (adopted).....	484
4830.7100 s.3.4; .7400 s.8; .7500 s.1.3; .7700; 7720 s.2 (emergency proposed repealer).....	285	6230.0200; .0600; .0700; .0850; .0860; .0900; .1000; .1140; .1150; .1160; .1850; .1900 (adopted expedited emergency).....	701
4830.7100; .7200; .7300; .7400; .7500; .7710; .7720; .7800; .7900 (proposed).....	579	6230.0400 (adopted expedited emergency).....	595
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7007.0100; .0150; .0200; .0250; .0300; .0350; .0400; .0500; .0750; .1050; .1110; .1115; .1120; .1125; .1130; .1150; .1200; .1250; .1300; .1450; 7011.0060; .0061; .0065; .0070; .0075; .0080 (proposed).....	1345	8210.9940 (repealed).....	593
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7007.0800; .0100 (proposed).....	967	8400.3000; .3030; .3060; .3110; .3130; .3160; .3200; .3210; .3230; .3260; .3300; .3330; .3360; .3390; .3400; .3460; .3500; .3530; .3560; .3600; .3610; .3630; .3700; .3730; .3830; .3870; .3930 (adopted).....	550
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7380.0800; .0810; .0820; .0830; .0840 (proposed).....	153	9050.0040; .0210; .1030; .1070; .0390 (proposed).....	785
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7400.0100-.6000 (adopted).....	157	9300.0010; .0020; .0030; .0035; .0040; .0050; .0070; .0085; .0090; .0100; .0110; .0125; .0140; .0165; .0170; .0180; .0190; .0200; .0210 (proposed).....	819
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7417.0100-.0400 (adopted).....	1227	9505.0415 (proposed).....	687
7507.0500 (proposed).....	637	9505.0415 (adopted).....	1227
7514.0100-.2000 (adopted).....	450	9505.2160; .2165; .2180; .2185; .2190; .2195; .2200; .2205; .2210; .2215; .2220; .2225; .2230; .2235; .2236; .2240; .2245 (proposed).....	721
7520.0650; .1000; .1100 (proposed).....	1403	9505.2165 s.6a,6b (proposed repealer).....	721
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7829.0100-.3200 (errata).....	79	9506.0010-.0100 (proposed).....	627
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		9800.0100; .0300; .0310 .0320; .0510; .0800; .0900; .0920; .1000; .1050; .1100; .1400; .1500; .1600; .1700; .1710; .1720; .1900 (adopted).....	1131
		9800.1200 (repealed).....	1131

Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Health

Proposed Permanent Rules Relating to Merit System (Health)

DUAL NOTICE:

Notice of Intent to Adopt a Rule without a Public Hearing unless 25 or More Persons Request a Hearing,

And

Notice of Hearing if 25 or More Requests for Hearing Are Received

Introduction. The Minnesota Department of Health intends to adopt amendments to permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by January 26, 1995, a public hearing will be held on February 9, 1995. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 26, 1995 and before February 9, 1995.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (612) 296-3996, fax number (612) 282-5340.

Subject of Rule and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for county and local health and human services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

A proposed revision to part 4670.1320 provides for a recommended salary adjustment of 3% for all incumbents on the professional and administrative, health services support, clerical, and building maintenance salary schedules who are covered by Merit System compensation plans. Amendments proposed to the compensation plan (parts 4670.4200-4240) provide for a 3% adjustment to the minimum salaries of all classifications covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

The Statutory authority to adopt these rules is *Minnesota Statutes*, section 144.071. A copy of the proposed rules is published in the "State Register" and attached to this notice as mailed.

Copy of the Rule. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the Minnesota county health or human service agencies covered by the Merit System.

Comments. You have until 4:30 p.m., Thursday, January 26, 1995 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing on the rule must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, January 26, 1995. Your written request for a public hearing must include your name and address. You are encouraged to

identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the "State Register" and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for February 9, 1995 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Betty Carlson at 612-296-3996 after January 26, 1995 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on February 9, 1995 in Conference Rooms 2A and 2B, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, #1700, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7645.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearing no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, section 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and arguments which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. The Department believes the proposed rules are exempt from the requirements of *Minnesota Statutes*, section 14.115, subdivisions 2 and 4 in regard to small business considerations. See *Minnesota Statutes*, section 14.115, subdivision 7, clause (2) which states that the requirement to consider the impact on small businesses does not apply to "agency rules that do not affect small businesses directly, including, but not limited to, rules relating to county or municipal administration of state and federal programs."

Expenditure of Public Money by Local Public Bodies. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from the agency contact person.

Impact on Agricultural Lands. The proposed rules relate to county or local administration of state and federal programs and do not have a direct and substantial adverse impact on agricultural lands. Therefore, the agency is not subject to the requirements of *Minnesota Statutes*, section 17.80 to 17.84 as specified in *Minnesota Statutes*, section 14.11, subdivisions 2 and 4.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Betty Carlson at the address listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 30 November 1994

Mary Jo O'Brien
Commissioner

Rules as Proposed

4670.1320 RECOMMENDED ADJUSTMENTS.

The merit system general adjustment recommended for incumbents is ~~zero~~ three percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, 1994 1995.

Subpart 1. Plan.

	Minimum	Maximum
Assistant Director of Environmental Health	2396 <u>2468</u>	3909 <u>4026</u>
Director of Environmental Health	2742 <u>2824</u>	4477 <u>4611</u>
Director of Public Health Nursing	2291 <u>2360</u>	3909 <u>4026</u>
Public Health Educator	1920 <u>1978</u>	3425 <u>3528</u>
Public Health Nurse	2010 <u>2070</u>	3272 <u>3370</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1920 <u>1978</u>	3128 <u>3222</u>
Sanitarian	1835 <u>1890</u>	3128 <u>3222</u>

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. Plan.

	Minimum	Maximum
Bookkeeper	1312 <u>1351</u>	2148 <u>2212</u>
Home Health Aide	1255 <u>1293</u>	1961 <u>2020</u>
Home Health Aide Coordinator	1473 <u>1517</u>	2291 <u>2360</u>
Inspector	1473 <u>1517</u>	2291 <u>2360</u>
Licensed Practical Nurse	1473 <u>1517</u>	2291 <u>2360</u>
Public Health Aide	1075 <u>1107</u>	1835 <u>1890</u>

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	925 <u>953</u>	1571 <u>1618</u>
Clerk II	1075 <u>1107</u>	1835 <u>1890</u>
Clerk III	1255 <u>1293</u>	1961 <u>2020</u>
Clerk-Typist I	1010 <u>1040</u>	1717 <u>1769</u>
Clerk-Typist II	1075 <u>1107</u>	1835 <u>1890</u>
Clerk-Typist III	1344 <u>1384</u>	2098 <u>2161</u>
Clerk-Steno	1075 <u>1107</u>	1835 <u>1890</u>
Switchboard Operator	1010 <u>1040</u>	1717 <u>1769</u>

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

[For text of subpart 1, see M.R.]

Subp. 2. **Shift differential; janitors.**

	Minimum	Maximum
Janitor	1075 <u>1107</u>	1835 <u>1890</u>

Human Services Department

Proposed Permanent Rules Relating to Merit System Rules

DUAL NOTICE:

Notice of Intent to Adopt a Rule without a Public Hearing unless 25 or More Persons Request a Hearing, And

Notice of Hearing if 25 or More Requests for Hearing Are Received

Introduction. The Minnesota Department of Human Services intends to adopt amendments to permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by January 26, 1995, a public hearing will be held on February 9, 1995. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 26, 1995 and before February 9, 1995.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (612) 296-3996, fax number (612) 282-5340.

Subject of Rule and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for 77 county social services and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

A proposed revision to part 9575.0350 provides for a recommended salary adjustment of 3% for all incumbents on the professional, support, clerical, and maintenance and trades salary schedules who are covered by Merit System compensation plans.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Amendments proposed to the compensation plan (part 9575.1500) provide for a 3% adjustment to the minimum salaries of all but one of the classifications covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. The minimum step of the salary range of the Financial Worker classification is being adjusted by approximately 7.5%. This adjustment has been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing a class title and minimum and maximum salaries for a newly established classification entitled Special Services Supervisor.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 256.012. A copy of the proposed rules is published in the "State Register" and attached to this notice as mailed.

Copy of the Rule. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the county welfare or human service agencies in the State of Minnesota.

Comments. You have until 4:30 p.m., Thursday, January 26, 1995 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing on the rule must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, January 26, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the "State Register" and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for February 9, 1995 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Betty Carlson at 612-296-3996 after January 26, 1995 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Thursday, February 9, 1995 in Conference Rooms 2A and 2B, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge.

The administrative law judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, #1700, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7645.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearing no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, section 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and arguments which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. The Department believes the proposed rules are exempt from the requirements of *Minnesota*

Proposed Rules

Statutes, section 14.115, subdivisions 2 and 4 in regard to small business considerations. See *Minnesota Statutes*, section 14.115, subdivision 7, clause (2) which states that the requirement to consider the impact on small businesses does not apply to "agency rules that do not affect small businesses directly, including, but not limited to, rules relating to county or municipal administration of state and federal programs."

Expenditure of Public Money by Local Public Bodies. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from the agency contact person.

Impact on Agricultural Lands. The proposed rules relate to county or local administration of state and federal programs and do not have a direct and substantial adverse impact on agricultural lands. Therefore, the agency is not subject to the requirements of *Minnesota Statutes*, section 17.80 to 17.84 as specified in *Minnesota Statutes*, section 14.11, subdivisions 2 and 4.

Lobbyists Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Betty Carlson at the address listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 22 November 1994

Maria R. Gomez
Commissioner

Rules as Proposed

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~zero~~ three percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

[For text of subs 4 and 5, see M.R.]

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~1994~~ 1995.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1920 <u>1978</u>	3128 <u>3222</u>
Accounting Supervisor	2291 <u>2360</u>	3909 <u>4026</u>
Administrative Assistant I	2396 <u>2468</u>	4283 <u>4411</u>
Administrative Assistant II	2801 <u>2885</u>	4569 <u>4706</u>

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Administrative Assistant III	3198 <u>3294</u>	4982 <u>5131</u>
Adult Day Care Center Supervisor	1835 <u>1890</u>	3128 <u>3222</u>
Assistant Welfare Director	4283 <u>4411</u>	6634 <u>6830</u>
Business Manager	3128 <u>3222</u>	4877 <u>5023</u>
Chemical Dependency Coordinator	1920 <u>1978</u>	3128 <u>3222</u>
Collections and Accounting Unit Supervisor	2040 <u>2070</u>	3425 <u>3528</u>
Collection Services Supervisor II	2040 <u>2070</u>	3425 <u>3528</u>
Community Health Services Supervisor	2294 <u>2360</u>	3909 <u>4026</u>
Computer Programmer	1835 <u>1890</u>	3128 <u>3222</u>
Contract Services Representative	2098 <u>2161</u>	3577 <u>3684</u>
County Agency Social Worker (Licensing Specialist)	1835 <u>1890</u>	3128 <u>3222</u>
County Agency Social Worker	1920 <u>1978</u>	3425 <u>3528</u>
County Agency Social Worker (Child Protection Specialist)	1920 <u>1978</u>	3425 <u>3528</u>
County Agency Social Worker (MSW)	2040 <u>2070</u>	3425 <u>3528</u>
County Agency Social Worker (MSW) (Child Protection Specialist)	2040 <u>2070</u>	3425 <u>3528</u>
Day Treatment Supervisor	2196 <u>2262</u>	3577 <u>3684</u>
Day Treatment Therapist	1920 <u>1978</u>	3425 <u>3528</u>
Director of Business Management I	2804 <u>2885</u>	4569 <u>4706</u>
Director of Business Management II	3350 <u>3451</u>	5205 <u>5361</u>
Director of Financial Assistance	3350 <u>3451</u>	5205 <u>5361</u>
Director of Planning	3350 <u>3451</u>	5205 <u>5361</u>
Director of Public Health Nursing	2294 <u>2360</u>	3909 <u>4026</u>
Director of Social Services	3350 <u>3451</u>	5205 <u>5361</u>
Employment Guidance Counselor	1756 <u>1809</u>	2742 <u>2824</u>
Family Based Services Supervisor	1920 <u>1978</u>	3128 <u>3222</u>
Family Service Coordinator II	1756 <u>1809</u>	2742 <u>2824</u>
Financial Assistance Supervisor I	2040 <u>2070</u>	3425 <u>3528</u>
Financial Assistance Supervisor II	2294 <u>2360</u>	3909 <u>4026</u>
Financial Assistance Supervisor III	2396 <u>2468</u>	4283 <u>4411</u>
Fiscal Manager	2396 <u>2468</u>	4283 <u>4411</u>
Fiscal Officer	1756 <u>1809</u>	2742 <u>2824</u>
Fiscal Supervisor I	1835 <u>1890</u>	3128 <u>3222</u>
Fiscal Supervisor II	2294 <u>2360</u>	3909 <u>4026</u>
Gerontology Counselor	2040 <u>2070</u>	3425 <u>3528</u>
Human Services Director III	3659 <u>3769</u>	5688 <u>5859</u>
Human Services Supervisor I	2396 <u>2468</u>	4283 <u>4411</u>
Human Services Supervisor II	3128 <u>3222</u>	4877 <u>5023</u>
Mental Health Program Manager	2804 <u>2885</u>	4569 <u>4706</u>
Mental Health Worker	2098 <u>2161</u>	3577 <u>3684</u>
Nutrition Project Assistant Director	1835 <u>1890</u>	3128 <u>3222</u>
Nutrition Project Director	2294 <u>2360</u>	3909 <u>4026</u>
Office Services Supervisor	1756 <u>1809</u>	2742 <u>2824</u>
Planner (Human Services)	2098 <u>2161</u>	3577 <u>3684</u>
Psychologist I	2040 <u>2070</u>	3425 <u>3528</u>
Psychologist II	2294 <u>2360</u>	3909 <u>4026</u>
Psychologist III	3058 <u>3150</u>	4569 <u>4706</u>
Public Health Educator	1920 <u>1978</u>	3425 <u>3528</u>
Public Health Nurse	2040 <u>2070</u>	3272 <u>3370</u>
Public Health Nurse (Team Leader)	2098 <u>2161</u>	3425 <u>3528</u>
Public Health Nursing Supervisor	2196 <u>2262</u>	3577 <u>3684</u>
Recreational Therapist	1756 <u>1809</u>	2742 <u>2824</u>
Registered Dietician	1835 <u>1890</u>	3128 <u>3222</u>
Registered Nurse (A.A. Degree,		

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3 year Diploma, or B.S. Degree)	1920 <u>1978</u>	3128 <u>3222</u>
Sanitarian	1835 <u>1890</u>	3128 <u>3222</u>
Senior Staff Development Specialist	2291 <u>2360</u>	3909 <u>4026</u>
Social Services Supervisor I	2396 <u>2468</u>	4283 <u>4411</u>
Social Services Supervisor II	2742 <u>2824</u>	4674 <u>4814</u>
Social Services Supervisor III	3128 <u>3222</u>	4877 <u>5023</u>
<u>Special Services Supervisor</u>	<u>2262</u>	<u>3684</u>
Staff Development Specialist	1835 <u>1890</u>	3128 <u>3222</u>
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2098 <u>2161</u>	3577 <u>3684</u>
Support Services Supervisor Trainee	1920 <u>1978</u>	3128 <u>3222</u>
	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Volunteer Services Coordinator	1835 <u>1890</u>	3128 <u>3222</u>
Welfare Director I	2801 <u>2885</u>	4569 <u>4706</u>
Welfare Director II	3128 <u>3222</u>	4877 <u>5023</u>
Welfare Director III	3350 <u>3451</u>	5205 <u>5361</u>
Welfare Director IV	3659 <u>3769</u>	5688 <u>5859</u>
Welfare Director V	3909 <u>4026</u>	6073 <u>6255</u>

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	1255 <u>1293</u>	1961 <u>2020</u>
Accounting Technician	1344 <u>1384</u>	2098 <u>2161</u>
Adult Day Care Center Program Coordinator	1473 <u>1517</u>	2291 <u>2360</u>
Case Aide	1344 <u>1384</u>	2291 <u>2360</u>
Chemical Dependency Counselor	1640 <u>1689</u>	2449 <u>2522</u>
Child Health Aide	1075 <u>1107</u>	1835 <u>1890</u>
Child Support Officer (Administrative Process)	1756 <u>1809</u>	2742 <u>2824</u>
Child Support Officer I	1640 <u>1689</u>	2449 <u>2522</u>
Child Support Officer II	1756 <u>1809</u>	2742 <u>2824</u>
Collections Officer	1473 <u>1517</u>	2291 <u>2360</u>
Collection Services Supervisor I	1920 <u>1978</u>	3128 <u>3222</u>
Community Service Aide	1075 <u>1107</u>	1835 <u>1890</u>
Community Support Technician	1640 <u>1689</u>	2449 <u>2522</u>
Computer Operations Specialist	1255 <u>1293</u>	1961 <u>2020</u>
Coordinator of Aging	1756 <u>1809</u>	2742 <u>2824</u>
Crisis Center Resource Aide	1344 <u>1384</u>	2098 <u>2161</u>
Executive Assistant	1640 <u>1689</u>	2449 <u>2522</u>
Family Based Services Provider	1640 <u>1689</u>	2449 <u>2522</u>
Family Service Aide I	1255 <u>1293</u>	1961 <u>2020</u>
Family Service Aide II	1344 <u>1384</u>	2098 <u>2161</u>
Family Service Coordinator I	1473 <u>1517</u>	2291 <u>2360</u>
Family Service/Home Health Aide	1255 <u>1293</u>	1961 <u>2020</u>

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Proposed Rules

Financial Assistance Specialist	1756 <u>1809</u>	2742 <u>2824</u>
Financial Worker	1473 <u>1581</u>	2449 <u>2522</u>
Fraud Prevention Specialist	1640 <u>1689</u>	2449 <u>2522</u>
Home Health Aide	1255 <u>1293</u>	1961 <u>2020</u>
Home Health Aide Coordinator	1473 <u>1517</u>	2291 <u>2360</u>
Housekeeper		

Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.

Housing Coordinator	1920 <u>1978</u>	3128 <u>3222</u>
Housing Rehabilitation Specialist	1473 <u>1517</u>	2291 <u>2360</u>
Licensed Practical Nurse	1473 <u>1517</u>	2291 <u>2360</u>
Methods and Procedures Technician	1640 <u>1689</u>	2449 <u>2522</u>
Monitoring and Review Specialist	1473 <u>1517</u>	2291 <u>2360</u>
Public Health Aide	1075 <u>1107</u>	1835 <u>1890</u>
Senior Citizen's Aide	1255 <u>1293</u>	1961 <u>2020</u>
SILS Program Coordinator	1640 <u>1689</u>	2449 <u>2522</u>
Social Services Administrative Aide	1756 <u>1809</u>	2742 <u>2824</u>
Support and Collections Specialist	1756 <u>1809</u>	2742 <u>2824</u>
Support Enforcement Aide	1255 <u>1293</u>	1961 <u>2020</u>
Welfare Fraud Investigator	1756 <u>1809</u>	2742 <u>2824</u>

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	1344 <u>1384</u>	2098 <u>2161</u>
Clerk I	925 <u>953</u>	1571 <u>1618</u>
Clerk II	1075 <u>1107</u>	1835 <u>1890</u>
Clerk III	1255 <u>1293</u>	1961 <u>2020</u>
Clerk-Typist I	1010 <u>1040</u>	1717 <u>1769</u>
Clerk-Typist II	1075 <u>1107</u>	1835 <u>1890</u>
Clerk-Typist III	1344 <u>1384</u>	2098 <u>2161</u>
Clerk-Steno	1075 <u>1107</u>	1835 <u>1890</u>
Data Entry Operator	1010 <u>1040</u>	1717 <u>1769</u>
Information Systems Specialist	1075 <u>1107</u>	1835 <u>1890</u>
Legal Secretary	1255 <u>1293</u>	1961 <u>2020</u>
Switchboard Operator	1010 <u>1040</u>	1717 <u>1769</u>

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Automobile/Van Driver	1010 <u>1040</u>	1717 <u>1769</u>
Bus Driver	1075 <u>1107</u>	1835 <u>1890</u>
Janitor	1075 <u>1107</u>	1835 <u>1890</u>
Maintenance Worker	1255 <u>1293</u>	1961 <u>2020</u>

Department of Public Safety

Proposed Permanent Rules Relating to Merit System (Public Safety)

DUAL NOTICE:

**Notice of Intent to Adopt a Rule without a Public Hearing unless 25 or More Persons Request a Hearing,
And**

Notice of Hearing if 25 or more Requests for Hearing Are Received

Introduction. The Minnesota Department of Public Safety intends to adopt amendments to permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by January 26, 1995, a public hearing will be held on February 9, 1995. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 26, 1995 and before February 9, 1995.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (612) 296-3996, fax number (612) 282-5340.

Subject of Rule and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for county and local emergency management agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

A proposed revision to part 7520.0650 provides for a recommended salary adjustment of 3% for all incumbents on the professional and clerical salary schedules who are covered by Merit System compensation plans. Amendments proposed to the compensation plan (parts 7520.1000-1100) provide for a 3% adjustment to the minimum salaries of all classifications covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 12.22, subd 3. A copy of the proposed rules is published in the "State Register" and attached to this notice as mailed.

Copy of the Rule. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the Minnesota county and local emergency management agencies covered by the Merit System.

Comments. You have until 4:30 p.m., Thursday, January 26, 1995 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing on the rule must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, January 26, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the "State Register" and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Cancellation of Hearing. The hearing scheduled for February 9, 1995 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you request a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Betty Carlson at 612-296-3996 after January 26, 1995 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Thursday, February 9, 1995 in Conference Rooms 2A and 2B, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, #1700, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7645.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearing no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, section 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and arguments which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. The Department believes the proposed rules are exempt from the requirements of *Minnesota Statutes*, section 14.115, subdivisions 2 and 4 in regard to small business considerations. See *Minnesota Statutes*, section 14.115, subdivision 7, clause (2) which states that the requirement to consider the impact on small businesses does not apply to "agency rules that do not affect small businesses directly, including, but not limited to, rules relating to county or municipal administration of state and federal programs."

Expenditure of Public Money by Local Public Bodies. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from the agency contact person.

Impact on Agricultural Lands. The proposed rules relate to county or local administration of state and federal programs and do not have a direct and substantial adverse impact on agricultural lands. Therefore, the agency is not subject to the requirements of *Minnesota Statutes*, section 17.80 to 17.84 as specified in *Minnesota Statutes*, section 14.11, subdivisions 2 and 4.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Betty Carlson at the address listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 12 December 1994

Arne H. Carlson
Governor

Rules as Proposed

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~zero~~ three percent for employees on the professional and clerical salary schedules.

[For text of subps 4 and 5, see M.R.]

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1994~~ 1995; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	1920 <u>1977</u>	2996 <u>3086</u>
Emergency Management Director	1756 <u>1808</u>	2742 <u>2824</u>
Communications Officer	1680 <u>1730</u>	2630 <u>2709</u>
Operations Officer	1920 <u>1977</u>	2996 <u>3086</u>
Public Information Officer	1920 <u>1977</u>	2996 <u>3086</u>
Radiological Officer	1680 <u>1730</u>	2630 <u>2709</u>
Safety Services Coordinator	1920 <u>1977</u>	2996 <u>3086</u>

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1994~~ 1995; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	925 <u>952</u>	1571 <u>1618</u>
Clerk II	1075 <u>1107</u>	1835 <u>1890</u>
Clerk III	1255 <u>1292</u>	1961 <u>2020</u>
Clerk-Typist I	1010 <u>1040</u>	1717 <u>1769</u>
Clerk-Typist II	1075 <u>1107</u>	1835 <u>1890</u>
Clerk-Typist III	1344 <u>1384</u>	2098 <u>2161</u>
Clerk-Steno	1075 <u>1107</u>	1835 <u>1890</u>

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Proposed Rules

Pollution Control Agency

Proposed Permanent Rules Relating to Service and Disposal of Appliances and Motor Vehicle Air Conditioners

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule amendments and may also submit a written request that a public hearing to be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Troy Johnson
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 297-7153

Subject of Rule and Statutory Authority. The Comprehensive Chlorofluorocarbon (CFC) Reduction and Recycling Act was passed in 1990, and gave the MPCA a specific statutory mandate to adopt rules for recycling CFCs and establish standards for CFC recycling equipment. The statutes were amended in 1994, and directed the MPCA to develop a standard of competence for appliance servicers and recyclers and required persons who recycle appliances to obtain technician certification. This rulemaking is to implement the stratospheric ozone protection program as intended by the Minnesota Legislature. The statutory authority to adopt these rule amendments is contained in *Minnesota Statutes* § 116.07, subd. 4 (1992), *Minnesota Statutes* § 116.731, subd. 6 (1992), and *Minnesota Statutes* § 116.735 (1994). A copy of the proposed rule amendments is published immediately after this notice.

Comments. You have until 4:30 p.m., Thursday, January 26, 1995 to submit written comments in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on January 26, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, §§ 14.131 to 14.20.

Request to Appear Before MPCA Board. The MPCA Board has delegated its authority to adopt the proposed amendments using the procedures for rules adopted without a public hearing, and to perform the necessary acts to provide that the rule shall have the force and effect of law, to the MPCA Commissioner or his designee. You may request to appear before the MPCA Board. Your request to appear before the MPCA Board must be in writing and must be received by the MPCA contact person by January 26, 1995. Your written request must include your name and address. If no one requests an appearance before the MPCA Board and a public hearing is not required, then the Commissioner of the MPCA will make the final decision on this rule as allowed by a delegation from the MPCA Board.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. *Minnesota Statutes* § 14.115, subd. 4 (1992) requires that the notice of rulemaking include a statement of the impact of this proposed rule on small businesses. The proposed rule amendments may affect small businesses defined in *Minnesota Statutes* § 14.115 (1992). As a result, the MPCA has considered the methods for reducing the impact of the rule amendments on small business as defined in *Minnesota Statutes* § 14.115, subd. 2 (1992).

Since the federal regulations being incorporated by reference are already in force and apply to servicers and disposers of appli-

ances, Motor Vehicle Air Conditioners (MVAC), and MVAC-like appliances in the state of Minnesota as a matter of federal law, the MPCA cannot change the applicable federal requirements through this rulemaking.

As a result, the MPCA is not proposing any of the types of changes defined in *Minnesota Statutes* § 14.115, subd. 2, in the federal rules it is incorporating in these rule amendments. To the extent that the federal rules may apply to an entity that is a small business, they would apply to small businesses in every state in the nation, including Minnesota. Finally, since the incorporation of the federal standards by reference does not change the federal standards, adoption of the federal rules does not impose any additional requirements on small businesses that are not already present as a matter of federal regulation. The incorporation of these federal rules into Minnesota rules will make it easier for small businesses to find out what requirements apply to their facilities.

The provisions adopted in part 7027.1100, subpart 1, technician certification for appliance recyclers and part 7027.1150, Standards for Appliance Recyclers, will impose additional costs to small business. However, these costs should be minimal. There are two requirements that will increase costs for small businesses. One which is required under *Minnesota Statutes* § 116.735 (1994), is the cost of obtaining technician certification and the other is the cost of certifying to the MPCA that the required recovery equipment and technician certification has been obtained.

Technician certification can be obtained from a U.S. Environmental Protection Agency program approved by the commissioner. The majority of the appliance recyclers will need to obtain the federal Type I certification which is designed for small appliances. Currently, Type I certification can be taken through the mail and ranges in cost from \$22 to \$50.

The certification that is sent to the MPCA, which states the business has acquired recovery or recycle equipment and technician certification, is modeled after and is very similar to the certification required by the EPA. The EPA estimates that the length of time needed to complete their form is on average about 40 minutes with a range from 20 minutes to 60 minutes. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information.

Consideration of Economic Factors. In exercising its powers the MPCA is required by *Minnesota Statutes* § 116.07, subd 6 (1992) to give due consideration to economic factors.

In proposing the rule amendments to incorporate the federal regulations into state rules, the MPCA has considered economic impacts the proposed rule amendments would have. Since the MPCA is incorporating the federal regulations into state rules, the state rule amendments proposed in this rulemaking do not impose any additional costs on Minnesota businesses that are not already imposed as a matter of federal law upon Minnesota businesses.

In proposing the rule amendment to incorporate competence and certification standards for appliance servicers and recyclers, the state rule amendments would impose a small additional cost on Minnesota businesses. The rule would have a direct economic impact on the appliance recycler and not the servicer. The cost of the technician certification for an appliance recycler through the federal program ranges from about \$22 to \$50. The cost of obtaining technician certification does not create a significant economic impact on the appliance recycling industry.

The rule also requires that persons engaged in the business of appliance recycling to annually certify to the MPCA that the proper refrigerant recovery equipment and certified technicians have been acquired at the facility. The MPCA estimates the amount of time needed to complete the certification is about 40 minutes. The cost of this annual certification to the MPCA does not create a significant economic impact on the appliance recycling industry.

This rule does not impose any additional requirements on refrigerant recovery and/or recycling equipment than is currently required by federal regulations.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes* § 14.11, subd. 1, requires the MPCA to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule.

Adoption of the rules concerning the standards of competence for appliance, MVAC, and MVAC-like appliance servicers and recyclers and certification for appliance recyclers, may impose additional cost on local public bodies in the state. Increased costs will be incurred by the local public bodies only if they are in the business of recycling appliances. The increased costs would result from obtaining technician certification at a cost of \$22 to \$50 per technician and 40 minutes of labor to certify to the MPCA that the proper refrigerant recovery equipment and technician certification has been obtained. The MPCA does not estimate that the costs would be over \$100,000.

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Proposed Rules

Impacts on Agricultural Land and Farming Operations. *Minnesota Statutes* § 14.11, subd. 2 (1992) requires that if the agency proposing the adoption of a rule determines that the rule may have a direct and substantial adverse impact on agricultural land in the state, the agency shall comply with specified additional requirements. The MPCA, in adopting federal stratospheric ozone protection requirements and technician certification for appliance recyclers into state rules, is not proposing a rule which may have a direct and substantial adverse impact on agricultural lands in the state because these rules apply to servicers and disposers of appliances, MVAC, and MVAC-like appliances and do not directly impact agricultural lands in the state.

Minnesota Statutes § 116.07, subd. 4 (1992), requires that if a proposed rule affects farming operations, the MPCA must provide a copy of the proposed rule and a statement of the effect of the proposed rule on farming operations to the Commissioner of Agriculture for review and comment. The MPCA, in adopting the stratospheric ozone protection rules into states' rules, is not proposing a rule which would impose any additional requirements on farming operations that are not already present as a matter of federal regulation.

The rule amendments, specifically part 7027.1000, subpart 2, and part 7027.1100, subpart 2, provides for the regulation of MVAC-like appliance servicers which by definition include air conditioning equipment on agricultural vehicles. Although the MPCA does not believe that the proposed rule "affects farming operations" *Minnesota Statutes* § 116.07, subd. 4 (1992) does not define the nature and scope of "farming operations" to allow the MPCA to make a sufficiently definitive determination. In order to assure that the concerns expressed by the legislature in *Minnesota Statutes* § 116.07, subd. 4 (1992) are addressed, the MPCA provided a copy of the proposed rules to the Commissioner of Agriculture for review and comment. In addition, the MPCA scheduled two public informational meetings in December to provide opportunity for public comment in agricultural areas of the state.

Adoption and Review of the Rule. If no hearing is required, after the end of the comment period the MPCA may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to Troy Johnson.

Charles W. Williams
Commissioner

Rules as Proposed (all new material)

7027.0500 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7027.0500 to 7027.1150, the terms defined in this part have the meanings given them.

Subp. 2. **Appliance.** "Appliance" means any device which contains and uses a class I or class II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.

Subp. 3. **Class I.** "Class I" means the controlled substances listed in appendix A of Code of Federal Regulations, title 40, part 82, subpart A, as amended.

Subp. 4. **Class II.** "Class II" means the controlled substances listed in appendix B of Code of Federal Regulations, title 40, part 82, subpart A, as amended.

Subp. 5. **Motor vehicle air conditioner or MVAC.** "Motor vehicle air conditioner" or "MVAC" means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of a motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using HCFC-22 refrigerant.

Subp. 6. **MVAC-like appliance.** "MVAC-like appliance" means mechanical vapor compression, open-drive compressor appliances used to cool the driver's or passenger's compartment of a nonroad motor vehicle. This includes the air conditioning equipment found on agricultural or construction vehicles. This definition is not intended to cover appliances using HCFC-22 refrigerant.

Subp. 7. **Technician.** "Technician" means any person recycling or disposing of appliances or maintaining, servicing, or repairing motor vehicle air conditioners or MVAC-like appliances.

7027.1000 ADOPTION OF FEDERAL REGULATIONS.

Subpart 1. **Servicing of motor vehicle air conditioners.** Code of Federal Regulations, title 40, part 82, subpart B, as amended, entitled "Servicing of Motor Vehicle Air Conditioners," and the corresponding appendixes, as amended, are adopted and incorporated by reference, except:

A. Code of Federal Regulations, title 40, part 82.30(a), is not included; and

B. references to the administrator under Code of Federal Regulations, title 40, part 82, subpart B, do not include the commissioner, with the exception of Code of Federal Regulations, title 40, parts 82.40(f), first occurrence of administrator only, and 82.42(b)(5).

Subp. 2. **Servicing and recycling appliances and emissions reduction.** Code of Federal Regulations, title 40, part 82, subpart F, as amended, entitled "Recycling and Emissions Reduction," and the corresponding appendixes, as amended, are adopted and incorporated by reference, except:

A. Code of Federal Regulations, title 40, parts 82.150(a), 82.152(x), 82.154(l), 82.161, and 82.166(1), are not included; and

B. references to the administrator under Code of Federal Regulations, title 40, part 82, subpart F, do not include the commissioner.

7027.1050 STANDARD OF COMPETENCE.

Persons described in *Minnesota Statutes*, section 116.731, subdivisions 1 to 4, must be able to demonstrate, upon request of an authorized representative of the commissioner, the ability to perform proper procedures for refrigerant recovery, as described in Code of Federal Regulations, title 40, part 82, subparts B and F, as amended.

7027.1100 TECHNICIAN CERTIFICATION.

Subpart 1. Technician certification for appliance recyclers.

A. A person that services or recycles appliances and obtains a certification from a program approved by the commissioner satisfies the certification requirement of *Minnesota Statutes*, section 116.735.

The technician certification programs approved by the United States Environmental Protection Agency under Code of Federal Regulations, title 40, part 82, subpart F, as amended, are programs approved by the commissioner.

B. Technicians must be certified as follows:

(1) persons who recycle small appliances, as defined in Code of Federal Regulations, title 40, part 82.152(v), as amended, must be properly certified as Type I technicians;

(2) persons who recycle high or very high pressure appliances, as defined in Code of Federal Regulations, title 40, part 82.152(f) and (y), as amended, except small appliances and MVACs, must be properly certified as Type II technicians;

(3) persons who recycle low pressure appliances, as defined in Code of Federal Regulations, title 40, part 82.152(i), as amended, must be properly certified as Type III technicians; and

(4) persons who recycle low and high pressure equipment as described in subitems (1) to (3) must be properly certified as Universal technicians.

Subp. 2. **Technician certification for MVAC-like appliance servicers.** Persons who maintain, service, or repair MVAC-like appliances must either be properly certified as Type II technicians as described in Code of Federal Regulations, title 40, part 82, subpart F, as amended, or obtain certification through a program approved under Code of Federal Regulations, title 40, part 82, subpart B, as amended.

Subp. 3. **Recertification.** The commissioner may require recertification of a technician who fails to meet the standard of competence of part 7027.1050.

7027.1150 STANDARDS FOR APPLIANCE RECYCLERS.

Subpart 1. **Technician certification records.** A person engaged in the business of recycling appliances as described in *Minnesota Statutes*, section 115A.9561, subdivision 2, shall:

A. possess the appropriate technician certification from a program approved by the commissioner; and

B. retain proof of technician certification at the place of business and at the work site, if different, to enable the commissioner to verify the identity and certification of each person.

Subp. 2. **Self-certification.** A person engaged in the business of recycling appliances as described in *Minnesota Statutes*, section 115A.9561, subdivision 2, shall certify to the commissioner not later than 60 days after the effective date of this part or within 20 days of commencing business for those persons not in business on the effective date of this part that the person has acquired recovery equipment that meets the standards in Code of Federal Regulations, title 40, part 82.158(m), as amended, and that the person is complying with the applicable requirements of this chapter, applicable *Minnesota statutes*, and Code of Federal Regulations, title 40, part 82, subpart F, as amended. Owners or lessees of recovery or recycling equipment may perform this certification for their

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Proposed Rules

employees. Certification must be a statement signed by the owner or lessee of the equipment or another responsible officer and must state:

- A. the name, address, and county of the buyer of the equipment;
- B. the business name and address where each piece of equipment is or will be located;
- C. the number of service vehicles used to transport technicians and equipment between the business, work site, and field;
- D. the equipment manufacturer's name, the date of manufacture, and the model and serial number;
- E. the names of the certified technicians, name of the program where certification was received from, date of certification, type of certification, and certification number; and
- F. a statement that the equipment will be properly used in recovering refrigerant from appliances, that each individual authorized to use the equipment is certified as required by part 7027.1150, subpart 1, item A, and that the information given is true and correct.

The certification must be updated annually by January 15 of each calendar year and must be sent to: Stratospheric Ozone Protection Program Coordinator, Minnesota Pollution Control Agency, Air Quality Division, 520 Lafayette Road North, Saint Paul, Minnesota 55155.

Subp. 3. Record keeping. A person engaged in the business of recycling appliances as described in *Minnesota Statutes*, section 115A.9561, subdivision 2, shall:

- A. ensure that a copy of the certification required pursuant to subpart 1, item A, is retained on file and made available at the place of business and at the work site, if different, during a technician's employment with the business;
- B. retain a copy of the certification required pursuant to subpart 1, item A, on file for a minimum of three years after the technician leaves employment of the business; and
- C. ensure that a copy of the certification required pursuant to subpart 2 is retained at the place of business and at the work site, if different.

Department of Public Safety

Proposed Permanent Rules Relating to Public School Driver Training Courses

Notice of Intent to Adopt Rules without a Public Hearing

Introduction. The Minnesota Department of Public Safety intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Laura Nehl-Trueman, Minnesota Department of Public Safety, 395 John Ireland Boulevard, Room 120 Transportation Building, St. Paul, MN 55155, (612) 296-2608.

Subject of Rules and Statutory Authority. The proposed rules are about Public School Driver Training Courses. The statutory authority to adopt the rules is *Minnesota Statutes*, section 169.446, subdivision 3. A copy of the proposed rules is published in the "State Register" and attached to this notice as mailed.

Comments. You have until 4:30 p.m., January 26, 1995, to submit comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 26, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Department of Public Safety will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by

data and views submitted to the Department of Public Safety and may not result in a substantial change in the proposed rules as attached and printed in the "State Register." If the proposed rules affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. A free copy of the statement may be obtained from Laura Nehl-Trueman at the address and telephone number listed above.

Small Business Considerations. In preparing these rules, the Department of Public Safety has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules does not affect small businesses.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

Adoption and Review of the Rules. If no hearing is required, after the end of the comment period the Department of Public Safety may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request to Laura Nehl-Trueman listed above.

Dated: 30 November 1994

Michael S. Jordan, Commissioner
Department of Public Safety

Rules as Proposed (all new material)

7411.3100 PURPOSE.

The purpose of parts 7411.3100 to 7411.3300 is to carry out the mandate of *Minnesota Statutes*, section 169.446, subdivision 3, requiring instruction for persons enrolled in driver training programs offered at public schools regarding the requirements of *Minnesota Statutes*, section 169.444.

7411.3200 SCOPE.

The scope of parts 7411.3100 to 7411.3300 applies to public schools that offer driver training courses that have been approved by the State Board of Education, in accordance with *Minnesota Statutes*, section 171.04.

7411.3300 COURSE REQUIREMENT.

Public schools that conduct driver training programs must instruct the students on the duties of drivers when encountering school buses, the content and requirements of *Minnesota Statutes*, section 169.444, and the penalties for violating that section.

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Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Treatment Parameters

The rules proposed and published at "State Register," Volume 18, Number 52, pages 2688-2747, June 27, 1994 (18 SR 2688), are adopted with the following modifications:

Rules as Adopted

5221.6020 PURPOSE AND APPLICATION.

Subp. 2. **Application.** All treatment must be medically necessary as defined in part 5221.6040, subpart 10. In the absence of a specific parameter, any applicable general parameters govern. A departure from a parameter that limits the duration or type of treatment may be appropriate in any one of the circumstances specified in part 5221.6050, subpart 8. Parts 5221.6010 to 5221.6600 apply to all treatment provided after the effective date of parts 5221.6010 to 5221.6600, regardless of the date of injury. All limitations on the duration of a specific treatment modality or type of modality begin with the first time the modality is initiated after the effective date of parts 5221.6050 to 5221.6600. However, consideration may be given to treatment initiated under the emergency rules (parts 5221.6050 to 5221.6500 [Emergency]). Parts 5221.6010 to 5221.6600 do not apply to treatment of an injury after an insurer has denied liability for the injury. However, in such cases the rules do apply to treatment initiated after liability has been established. References to days and weeks in parts 5221.6050 to 5221.6600 mean calendar days and weeks unless specified otherwise.

5221.6050 GENERAL TREATMENT PARAMETERS; EXCESSIVE TREATMENT; PRIOR NOTIFICATION.

Subp. 3. **Nonoperative treatment.** Health care providers shall provide a trial of nonoperative treatment before offering or performing surgical treatment unless the treatment for the condition requires immediate surgery ~~or~~, unless an emergency situation exists, or unless the accepted standard of initial treatment for the condition is surgery.

Subp. 5. **Referrals between health care providers.** The primary health care provider directing the course of treatment shall make timely and appropriate referrals for consultation for opinion or for the transfer of care if the primary health care provider does not have any reasonable alternative treatment to offer and there is a reasonable likelihood that the consultant may offer or recommend a reasonable alternative treatment plan. This subpart does not prohibit a referral for consultation in other circumstances based on accepted medical practice and the patient's condition.

B. **Information sent to consultant.** When a referring health care provider arranges for consultation or transfer of care, except in cases of emergency, the referring health care provider shall, with patient authorization, summarize for the consultant orally or in writing the conditions of injury, the working diagnosis, the treatment to date, the patient's response to treatment, all relevant laboratory and medical imaging studies, return to work considerations, and any other information relevant to the consultation. In addition, the referring health care provider shall make available to the consultant, with patient authorization, a copy of all medical records relevant to the employee's injury.

Subp. 6. **Communication between health care providers and consideration of prior care.**

B. **Treatment by prior health care provider.** If the employee has reported that care for an injury has been previously given:

(1) Where a previous health care provider has performed diagnostic imaging, a health care provider may not repeat the imaging or perform alternate diagnostic testing previously performed by another health care provider imaging for the same condition except as permitted in part 5221.6100.

(2) When a therapeutic modality employed by a health care provider was no longer improving the employee's condition under subpart 1, item B, or has been used for the maximum duration allowed under parts 5221.6050 to 5221.6600, another health care provider may not employ the same modality at any time thereafter to treat the same injury except if one of the departures applies under subpart 8, after surgery, or for treatment of reflex sympathetic dystrophy under part 5221.6305.

(3) It is also inappropriate for two health care providers to use the same treatment modality concurrently.

Subp. 7. Determinations of excessive treatment; notice of denial to health care providers and employee; expedited processing of medical requests.

B. If the insurer denies payment for treatment that departs from a parameter under parts 5221.6050 to 5221.6600, the insurer must provide the employee and health care provider with written notice of the reason for the denial and that the treatment rules permit departure from the parameters in specified circumstances. If the insurer denies authorization for proposed treatment after prior notification has been given under subpart 9, the insurer must provide the employee and health care provider in writing with notice of the reason why the information given by the health care provider does not support the proposed treatment and notice of the right to review of the denial under subpart 9, item C. The insurer may not deny payment for a program of chronic management that the insurer has previously authorized for an employee, either in writing or by routine payment for services, without providing the employee and the employee's health care provider with at least 30 days' notice of intent to apply any of the chronic management parameters in part 5221.6600 to future treatment. The notice must include the specific parameters that will be applied in future determinations of compensability by the insurer.

Subp. 8. Departures from parameters. A departure from a ~~treatment~~ parameter that limits the duration or type of treatment in parts 5221.6050 to 5221.6600 may be appropriate in any one of the circumstances specified in items A to E. The health care provider must provide prior notification of the departure as required by subpart 9.

E. Where there is an incapacitating exacerbation of the employee's condition. However, additional treatment for the incapacitating exacerbation may not exceed, and must comply with, the parameters in parts ~~5221.6100~~ 5221.6050 to 5221.6600.

Subp. 9. Prior notification; health care provider and insurer responsibilities. Prior notification is the responsibility of the health care provider who wants to provide the treatment in item A. Prior notification need not be given in any case where emergency treatment is required.

A. The health care provider must notify the insurer of proposed treatment in subitems (1) to (4) at least seven working days before the treatment is initiated, except as otherwise provided in subitem (4):

(4) for treatment that departs from a ~~specific~~ parameter limiting the duration or type of treatment in parts ~~5221.6100~~ 5221.6050 to 5221.6600. The health care provider must notify the insurer within two business days after initiation of treatment if the departure from a parameter is for an incapacitating exacerbation or an emergency.

C. The insurer must provide a toll-free facsimile and telephone number for health care providers to provide prior notification. The insurer must respond orally or in writing to the requesting health care provider's prior notification of proposed treatment in item A within seven working days of receipt of the request. Within the seven days, the insurer must either approve the request, deny authorization, request additional information, request that the employee obtain a second opinion, or request an examination by the employer's physician. A denial must include notice to the employee and health care provider of the reason why the information given by the health care provider in item B does not support the treatment proposed, along with notice of the right to review of the denial under subitem (3).

(1) If the health care provider does not receive a response from the insurer within the seven working days, authorization is deemed to have been given.

(2) If the insurer authorizes the treatment, the insurer may not later deny payment for the treatment authorized.

(3) If the insurer denies authorization, the health care provider or employee may orally or in writing request that the insurer review its denial of authorization.

The insurer's review of its denial must be made by a currently licensed registered nurse, medical doctor, doctor of osteopathy, doctor of chiropractic, or a person credentialed by a program approved by the commissioner of Labor and Industry. The insurer may also delegate the review to a certified managed care plan under subpart 10. In lieu of or in addition to the insurer's review under this subitem, the insurer may request an examination of the employee under subitem (4), (5), or (6) and the requirements of those subitems apply to the proposed treatment. Unless an examination of the employee is requested under subitem (4), (5), or (6), the insurer's determination following review must be communicated orally or in writing to the requestor within seven working days of receipt of the request for review.

Instead of requesting a review, or if the insurer maintains its denial after the review, the health care provider or the employee may

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file with the commissioner a medical request or a petition for authorization of the treatment under subpart 7, item C, or except as specified in subitem (4), (5), or (6), may proceed with the proposed treatment subject to a later determination of compensability by the commissioner or compensation judge.

~~(4)~~ If the insurer denies authorization within seven working days, or requests an examination of the employee by the employer's physician, the health care provider may elect to provide the treatment subject to a determination of compensability by the commissioner or compensation judge under subpart 7, item B. However, the health care provider may not provide nonemergency surgery where the insurer has requested an examination for surgery except as provided in subitems ~~(4)~~ (5) and ~~(5)~~ (6), and may not provide continued passive care modalities where prior approval by the insurer, commissioner, or compensation judge is required under parts 5221.6200, subpart 3, item B, subitem (2); 5221.6205, subpart 3, item B, subitem (2); 5221.6210, subpart 3, item B, subitem (2); and 5221.6300, subpart 3, item B, subitem (2).

~~(3)~~ If the insurer authorizes the treatment, the insurer may not later deny payment for the treatment authorized.

~~(4)~~ (5) If prior notification of surgery is required under item A, subitem (3), the insurer may require that the employee obtain a second opinion from a physician of the employee's choice under *Minnesota Statutes*, section 176.135, subdivision 1a. If within seven working days of the prior notification the insurer notifies the employee and health care provider that a second opinion is required, the health care provider may not perform the nonemergency surgery until the employee provides the second opinion to the insurer. Except as otherwise provided in parts 5221.6200, subpart 6, items B and C; 5221.6205, subpart 6, items B and C; 5221.6300, subpart 6, ~~items item B and C~~; and 5221.6305, subpart 3, item B, if the insurer denies authorization within seven working days of receiving the second opinion, the health care provider may elect to perform the surgery, subject to a determination of compensability by the commissioner or compensation judge under subpart 7.

~~(5)~~ (6) In any case where prior notification of proposed surgery is required, the insurer may elect to obtain an examination of the employee by the employer's physician under *Minnesota Statutes*, section 176.155, sometimes referred to as an "independent medical examination." If the insurer notifies the employee and health care provider of the examination within seven working days of the provider's notification, the proposed nonemergency surgery may not be provided pending the examination. However, after 45 days following the insurer's request for an examination, the health care provider may elect to proceed with the surgery, subject to a determination of compensability by the commissioner or compensation judge under subpart 7.

~~(6)~~ (7) The insurer's request for additional information must be directed to the requesting health care provider and must specify the additional information required that is necessary to respond to the health care provider's notification of proposed treatment. The proposed treatment may not be given until the provider provides reasonable additional information. Once the additional information has been received, the insurer must respond within seven working days according to subitems (1) to ~~(5)~~ (6).

Subp. 11. **Outcome studies.** The commissioner shall perform outcome studies on the treatment modalities in parts 5221.6200 to 5221.6600. The modalities to be studied shall be selected in consultation with the Workers' Compensation Medical Services Review Board. The commissioner may require health care providers who use ~~the these~~ modalities in parts 5221.6200 to 5221.6600 to prospectively gather and report outcome information on patients treated, with necessary consent of the employee. The health care providers shall report the outcome information on the modalities in parts 5221.6200 to 5221.6600 on a form prescribed by the commissioner, which may include:

E. the nature of treatment given before and after the treatment being studied for the same condition; ~~and~~

F. the diagnosis, symptoms, physical findings, and functional status before and after the treatment being studied for the same condition; ~~and~~

G. the presence or absence of preexisting or concurrent conditions.

5221.6100 PARAMETERS FOR MEDICAL IMAGING.

Subpart 1. **General principles.** All medical imaging must comply with items A to E. Except for emergency evaluation of significant trauma, a health care provider must document in the medical record an appropriate history and physical examination, along with a review of any existing medical records and laboratory or imaging studies regarding the patient's condition, before ordering any imaging study.

A. **Effective imaging.** A health care provider should initially order the single most effective imaging study for diagnosing the suspected etiology of a patient's condition. No concurrent or additional imaging studies should be ordered until the results of the first study are known and reviewed by the treating health care provider. ~~Additional studies may be obtained if the first imaging study was inconclusive with suggestive findings.~~ If the first imaging study is negative, no additional imaging is indicated ~~unless:~~

(1) there is a change in the suspected etiology based on the results of the first imaging study; or

(2) there is a change in the patient's condition which would in itself warrant imaging except for repeat and alternative imaging allowed under items D and E.

D. Repeat imaging. Repeat imaging, of the same views of the same body part with the same imaging modality is not indicated except as follows:

(6) when the ~~original radiologist and another treating health care provider~~ and a radiologist from a different practice have reviewed a previous ~~MRI or CT scan~~ imaging study and agree that it is a technically inadequate study.

E. Alternative imaging.

(3) Alternative imaging is allowed to follow up abnormal ~~or~~ but inconclusive findings in another imaging study. An inconclusive finding is one that does not provide an adequate basis for accurate diagnosis.

Subp. 2. **Specific imaging procedures for low back pain.** Except for the emergency evaluation of significant trauma, a health care provider must document in the medical record an appropriate history and physical examination, along with a review of any existing medical records and laboratory or imaging studies regarding the patient's condition, before ordering any imaging study of the low back.

K. Anterior-posterior (AP) and lateral X-rays of the lumbosacral spine are limited by subitems (1) and (2).

(1) They are indicated in the following circumstances:

(b) when the history, signs, symptoms, ~~and~~ or laboratory studies indicate possible tumor, infection, or inflammatory lesion;

(d) when the patient is more than 50 years of age; ~~or~~

(e) before beginning a course of treatment with spinal adjustment or manipulation; or

(f) eight weeks after an injury if the patient continues with symptoms and physical findings after the course of initial nonsurgical care and if the patient's condition prevents the resumption of the regular activities of daily life including regular vocational activities.

M. Electronic X-ray analysis of plain radiographs and diagnostic ultrasound of the lumbar spine are not indicated for diagnosis of any of the low back conditions in part 5221.6200, subpart 1, item A.

5221.6200 LOW BACK PAIN.

Subpart 1. **Diagnostic procedures for treatment of low back injury.** A health care provider shall determine the nature of the condition before initiating treatment.

A. An appropriate history and physical examination must be performed and documented. Based on the history and physical examination the health care provider must assign the patient at each visit to the appropriate clinical category according to subitems (1) to (4). The diagnosis must be documented in the medical record. For the purposes of subitems (2) and (3), "radicular pain" means pain radiating distal to the knee, or pain conforming to a dermatomal distribution and accompanied by anatomically congruent motor weakness or reflex changes. This part does not apply to fractures of the lumbar spine, or back pain due to an infectious, immunologic, metabolic, endocrine, neurologic, visceral, or neoplastic disease process.

E. The use of the following procedures or tests is not indicated for the diagnosis of any of the clinical categories in item A:

(5) diagnostic ultrasound of the lumbar spine; or

5221.6205 NECK PAIN.

Subpart 1. **Diagnostic procedures for treatment of neck injury.** A health care provider shall determine the nature of the condition before initiating treatment.

A. An appropriate history and physical examination must be performed and documented. Based on the history and physical examination the health care provider must assign the patient at each visit to the appropriate clinical category according to subitems (1) to (4). The diagnosis must be documented in the medical record. For the purposes of subitems (2) and (3), "radicular pain" means pain radiating distal to the shoulder. This part does not apply to fractures of the cervical spine or cervical pain due to an infectious, immunologic, metabolic, endocrine, neurologic, visceral, or neoplastic disease process.

E. The use of the following procedures or tests ~~shall not be reimbursed~~ is not indicated for the diagnosis of any of the clinical categories in item A:

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(5) diagnostic ultrasound of the spine; or

5221.6210 THORACIC BACK PAIN.

Subpart 1. **Diagnostic procedures for treatment of thoracic back injury.** A health care provider shall determine the nature of the condition before initiating treatment.

A. An appropriate history and physical examination must be performed and documented. Based on the history and physical examination the health care provider must assign the patient at each visit to the consistency appropriate clinical category according to subitems (1) to (4). The diagnosis must be documented in the medical record. For the purposes of subitems (2) and (3), "radicular pain" means pain radiating in a dermatomal distribution around the chest or abdomen. This part does not apply to fractures of the thoracic spine or thoracic back pain due to an infectious, immunologic, metabolic, endocrine, neurologic, visceral, or neoplastic disease process.

E. The use of the following procedures or tests ~~shall not be reimbursed~~ is not indicated for the diagnosis of any of the clinical categories in item A:

(5) diagnostic ultrasound of the spine; or

5221.6300 UPPER EXTREMITY DISORDERS.

Subpart 1. **Diagnostic procedures for treatment of upper extremity disorders (UED).** A health care provider shall determine the nature of an upper extremity disorder before initiating treatment.

A. An appropriate history and physical examination must be performed and documented. Based on the history and physical examination the health care provider must at each visit assign the patient to the appropriate clinical category according to subitems (1) to (6). The diagnosis must be documented in the medical record. Patients may have multiple disorders requiring assignment to more than one clinical category. This part does not apply to upper extremity conditions due to a visceral, vascular, infectious, immunological, metabolic, endocrine, systemic neurologic, or neoplastic disease process, fractures, lacerations, amputations, or sprains or strains with complete tissue disruption.

Subp. 3. **Passive treatment modalities.**

H. Manual therapy includes soft tissue and joint mobilization; and therapeutic massage; and ~~manual traction~~.

I. Splints, braces, ~~casts~~, and other movement-restricting appliances. Bracing required for longer than two weeks must be accompanied by ~~range of~~ active motion exercises to avoid stiffness and prolonged disability:

J. Rest. Prolonged restriction of activity and immobilization are detrimental to a patient's recovery. Total restriction of use of an affected body part should not be prescribed for more than two weeks, unless rigid immobilization is required. In cases of rigid immobilization, active motion exercises at adjacent joints should begin no later than two weeks after application of the immobilization.

Subp. 5. **Therapeutic injections.** Therapeutic injections include injections of trigger points, sympathetic nerves, peripheral nerves, and soft tissues. Therapeutic injections can only be given in conjunction with active treatment modalities directed to the same anatomical site. Use of injections may extend past the 12-week limitation on passive modalities, so long as the maximum treatment for injections in items A to C is not exceeded.

C. Injections for ~~peripheral median~~ nerve entrapment include injections of at the carpal tunnel; the pronator area of the forearm; the radial tunnel; Guyon's canal; and the cubital tunnel at the elbow:

Subp. 6. **Surgery.** Surgery may only be performed if it meets applicable parameters in subparts 11 to ~~14~~ 16 and part 5221.6500.

A. In order to optimize the beneficial effect of surgery, postoperative therapy with active and passive treatment modalities may be provided, even if these modalities had been used in the preoperative treatment of the condition. In the postoperative period the maximum treatment duration with passive treatment modalities in a clinical setting from initiation of the first passive modality used, except bedrest or bracing, is as follows:

B. Repeat surgery must also meet the parameters of subparts 11 to 16 and part 5221.6500 and is not indicated unless the need for the repeat surgery is confirmed by a second opinion obtained before surgery, if requested by the insurer.

Subp. 11. **Specific treatment parameters for epicondylitis.**

B. If the patient continues with symptoms and objective physical findings after initial nonsurgical management, and if the patient's condition prevents the resumption of the regular activities of daily life including regular vocational activities, then surgical evaluation or chronic management is indicated. The purpose and goal of surgical evaluation is to determine whether surgery is indicated for the patient who has failed to recover with appropriate nonsurgical care or chronic management.

(6) If surgery is indicated, it may not be performed until 12 months after initial ~~surgical~~ nonsurgical management was begun except in a patient who has had resolution of symptoms with appropriate treatment followed by a recurrence with intractable

pain. In this instance, a second surgical opinion must confirm the need for surgery sooner than 12 months after initial nonsurgical management was begun.

Subp. 14. Specific treatment parameters for muscle pain syndromes.

C. If the patient continues with symptoms and objective physical findings after ~~12 months of~~ initial nonsurgical management, and if the patient's condition prevents the resumption of the regular activities of daily life including regular vocational activities, then the patient may be a candidate for chronic management. Any course or program of chronic management for patients with muscle pain syndrome must meet all of the parameters of part 5221.6600.

Subp. 15. Specific treatment parameters for shoulder impingement syndromes.

C. If the patient continues with symptoms and objective physical findings after ~~initial nonsurgical management~~ surgery, or the patient refused surgery or was not a candidate for surgery, and if the patient's condition prevents the resumption of the regular activities of daily life including regular vocational activities, then the patient may be a candidate for chronic management. Any course or program of chronic management for patients with shoulder impingement syndrome must meet the parameters of part 5221.6600.

5221.6305 REFLEX SYMPATHETIC DYSTROPHY OF THE UPPER AND LOWER EXTREMITIES.

Subp. 2. Initial nonsurgical management. Initial nonsurgical management is appropriate for all patients with reflex sympathetic dystrophy and must be the first phase of treatment. Any course or program of initial nonsurgical management is limited to the modalities specified in items A to D.

A. Therapeutic injection modalities. The only ~~injection~~ injections allowed for reflex sympathetic dystrophy ~~is are~~ sympathetic block, intravenous infusion of steroids or sympatholytics, or epidural block.

(1) Unless medically contraindicated, sympathetic blocks or the intravenous infusion of steroids or sympatholytics must be used if reflex sympathetic dystrophy has continued for four weeks and the employee remains disabled as a result of the reflex sympathetic dystrophy.

(1) (a) Time for treatment response: within 30 minutes.

(2) (b) Maximum treatment frequency: can repeat an injection at a site if there was a positive response to the first injection. If subsequent injections demonstrate diminishing control of symptoms or fail to facilitate objective functional gains, then injections must be discontinued. No more than three injections to different sites are reimbursable per patient visit.

(3) (c) Maximum treatment duration: may be continued as long as injections control symptoms and facilitate objective functional gains, if the period of improvement is progressively longer with each injection.

(2) Epidural block may only be performed in patients who had an incomplete improvement with sympathetic block or intravenous infusion of steroids or sympatholytics.

Subp. 3. Surgery.

B. Dorsal column stimulator or morphine pump may be indicated for a patient with neuropathic pain unresponsive to all other treatment modalities who is not a candidate for any other therapy and has had a favorable response to a trial screening period. Use of a ~~dorsal column stimulator~~ these devices is indicated only if a second opinion confirms that this treatment is indicated, and a personality or psychosocial evaluation indicates that the patient is likely to benefit from this treatment.

5221.6500 PARAMETERS FOR SURGICAL PROCEDURES.

Subp. 2. Spinal surgery. Initial nonsurgical, surgical, and chronic management parameters are also included in parts 5221.6200, low back pain; 5221.6205, neck pain; and 5221.6210, thoracic back pain.

A. Surgical decompression of a lumbar nerve root or roots includes, but is not limited to, the following lumbar procedures: laminectomy, laminotomy, discectomy, microdiscectomy, percutaneous discectomy, or foraminotomy. When providing prior notification for decompression of multiple nerve roots, the procedure at each nerve root is subject independently to the requirements of subitems (1) to (3).

B. Surgical decompression of a cervical nerve root. Surgical decompression of a cervical nerve root or roots includes, but is not limited to, the following cervical procedures: laminectomy, laminotomy, discectomy, foraminotomy with or without fusion.

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When providing prior notification for decompression of multiple nerve roots, the procedure at each nerve root is subject independently to the requirements of subitems (1) to (3).

C. Lumbar arthrodesis with or without instrumentation.

(1) Indications: one of the following conditions must be satisfied to indicate that the surgery is reasonably required:

(d) incapacitating low back pain, ICD-9-CM code 724.2, for longer than three months, and one of the following conditions involving lumbar segments L-3 and below is present:

- ii. pseudoarthrosis, ICD-9-CM code 733.82; or
- iii. for the second or third surgery only, previously operated disc; or
- iv. spondylolisthesis.

Subp. 3. **Upper extremity surgery.** Initial nonsurgical, surgical, and chronic management parameters for upper extremity disorders are found in part 5221.6300, subparts 1 to 16.

E. Repair of shoulder dislocation or subluxation (any procedure):

(2) Criteria and indications: in addition to one of the diagnoses in subitem (1), the following clinical findings must exist for repair of a shoulder dislocation:

(b) X-ray, ~~CT scan,~~ or ~~MRI scan~~ findings are consistent with multiple dislocations or subluxations.

G. Epicondylitis. Specific requirements for surgery for epicondylitis are included in part 5221.6300, subpart 11.

H. Tendinitis. Specific requirements for surgery for tendinitis are included in part 5221.6300, subpart 12.

I. Nerve entrapment syndromes. Specific requirements for nerve entrapment syndromes are included in part 5221.6300, subpart 13.

J. Muscle pain syndromes. Surgery is not indicated for muscle pain syndromes.

K. Traumatic sprains and strains. Surgery is not indicated for the treatment of traumatic sprains and strains, unless there is clinical evidence of complete tissue disruption. Patients with complete tissue disruption may need immediate surgery.

Subp. 4. Lower extremity surgery.

C. Knee joint replacement:

(2) Criteria and indications: in addition to the diagnosis in subitem (1), the following conditions must be satisfied for a knee joint replacement:

(a) clinical findings: the employee exhibits limited range of motion, night pain in the joint or pain with weight-bearing, and no significant relief of pain with an adequate course of initial nonsurgical care; and

5221.6600 CHRONIC MANAGEMENT.

Subp. 2. **Chronic management modalities.** The health care provider must provide prior notification of the chronic management modalities in items B to F according to part 5221.6050, subpart 9. Prior notification is not required for home-based exercises in item A, unless durable medical equipment is prescribed for home use. The insurer may not deny payment for a program of chronic management that the insurer has previously authorized for an employee, either in writing or by routine payment for services, without providing the employee and the employee's health care provider with at least 30 days' notice of intent to apply any of the chronic management parameters in part 5221.6600 to future treatment. The notice must include the specific parameters that will be applied in future determinations of compensability by the insurer.

5221.8900 DISCIPLINARY ACTION; PENALTIES.

Subp. 4. **Cooperation with disciplinary proceedings.** A health care provider who is the subject of a complaint investigated by the commissioner under *Minnesota Statutes*, section 176.103, shall cooperate fully with the investigation. Cooperation includes, but is not limited to, responding fully and promptly to any questions raised by the commissioner relating to the subject of the investigation and providing copies of records, reports, logs, data, and cost information as requested by the commissioner to assist in the investigation. The health care provider shall not charge for services or but may charge for the cost of copies of medical records, at the rate set in part 5219.0300, subpart 2, for this investigation. Cooperation includes attending, in person, a meeting scheduled by the commissioner for the purposes of subpart 5. This subpart does not limit the health care provider's right to be represented by an attorney.

Department of Health
Health Care Delivery Systems

Adopted Permanent Rules Relating to Aggregate Hospital Data

The rules proposed and published at "State Register," Volume 19, Number 8, pages 370-383, August 22, 1994 (19 SR 370), are adopted with the following modifications:

Rules as Adopted

4650.0112 REVENUE AND EXPENSE REPORT.

Subp. 3. **Financial information.** Financial information for the revenue and expense report must include:

B. a statement of management information systems expenses and plant, equipment, and occupancy expenses. A hospital licensed for 50 or more beds shall make percentage allocations of management information systems expenses and plant, equipment, and occupancy expenses must be made to each of the support services functions listed in item C. A hospital licensed for fewer than 50 beds shall estimate percentage allocations of management information systems expenses and plant, equipment, and occupancy expenses to total support services;

C. a statement of total support services expenses for the facility; and. A hospital licensed for 50 or more beds shall make a statement of expenses for each of the following support services functions: admitting; patient billing and collection; accounting and financial reporting; quality assurance; community and wellness education; promotion and marketing; research; education; taxes, fees, and assessments; malpractice; and other support services. The statement statements required by this item may be estimated from existing accounting methods with allocation to specific categories based on a written methodology that is available for review by the commissioner and that is consistent with the methodology described in this part;

Department of Health
Adopted Permanent Rules Relating to Public Pools

The rules proposed and published at "State Register," Volume 19, Number 8, pages 384-408, August 22, 1994 (19 SR 384), are adopted with the following modifications:

Rules as Adopted

4625.2100 PLUMBING AND SWIMMING POOLS.

All new plumbing in hotels, motels, lodging houses, and resorts, and all plumbing reconstructed or replaced after January 1, 1968, ~~shall must~~ be designed, constructed, and installed in conformity with chapter 4715 of the Minnesota Plumbing Code.

All swimming public pools and other artificial recreational bathing facilities shall must be located, constructed, and operated in conformity with parts 4717.0150 to 4717.3975.

4717.0250 DEFINITIONS.

Subp. 8. **Public pool.** "Public pool" means any pool, other than a private residential pool, intended to be used collectively by numbers of persons, and operated by any person whether the person be an owner, lessee, operator, or concessionaire, and regardless of whether a fee for use is charged. A public pool includes, but is not limited to, pools operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, apartment building, club, condominium, hotel, manufactured home park, or political subdivision.

4717.0450 SUBMISSION OF PLANS AND SPECIFICATIONS.

Subp. 3. **Inspection of completed project.** The owner of the pool or the owner's agent must notify the commissioner and any local jurisdiction which regulates pool use at the time the pool is complete to permit inspection of the pool and related facilities.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

4717.0650 POOL OPERATION AND MAINTENANCE; OPERATOR TRAINING.

Subp. 3. **Designation of trained operator.** The owner or operator of the pool must designate a trained operator who is responsible for the direct operation of the pool whenever the pool is open for use.

A. ~~The trained operator must inspect the pool and pool records on at least a daily basis whenever the pool is open for use; must document the results of the pool and record inspection; and be responsible for the daily operation of the pool and ensure that required testing is done and records are maintained. The trained operator, or a designated alternate trained operator, must be able to respond to emergency, unsafe and unsanitary conditions at any time the pool is open for use.~~

Subp. 5. **Operator training.** The owner or operator must ensure that the designated trained operator is trained to operate the pool in compliance with parts 4717.0150 to 4717.3975.

B. ~~Until January 1, 1997, the commissioner may require the trained any operator to obtain a certificate of competency is eligible for certification through attendance at and successful completion of a pool operator's training course.~~

4717.0750 POOL RECORD.

A record of a public pool's operation and routine maintenance must be kept by the operator. The record must be maintained for six years. The record must include the following for each day the pool is open to use:

A. ~~the total number of users for the day;~~

~~B.~~ the operating periods of recirculation pumps and filters and corresponding rate-of-flow meter readings;

C. ~~B.~~ amounts of chemicals used, except chemicals added through an automated system;

~~D.~~ C. disinfectant residuals including both free and total disinfectant residuals;

~~E.~~ D. pH readings;

E. the temperature readings of a pool with a heater;

F. any other pool chemistry measurements taken, although not required to be recorded daily, such as alkalinity and cyanuric acid concentrations;

G. maintenance of equipment;

~~G.~~ H. any malfunction of equipment; and

~~H.~~ I. any accidents or injuries requiring assistance from a lifeguard, attendant, or emergency medical personnel.

4717.0775 REPORTING.

All pool incidents resulting in death or serious injury that require assistance from emergency medical personnel must be reported to the commissioner by the owner or the owner's agent by the end of the next working day.

4717.1350 POOL FACILITY CAPACITY.

Subp. 2. **Pool user capacity.** User capacity must be determined as specified in this subpart.

D. Spa pools must be limited to one user for each three linear feet of seating space provided in the spa pool, measured along the front edge of the seats.

4717.1550 POOL ACCESS RESTRICTION; FENCING.

Subpart 1. **General.** Access to a public pool must be controlled to effectively prevent the entrance of children.

A. Where fencing is used to control access, it must comply with subparts 2 to 6 except as noted in item B, subitem ~~(3)~~ (2).

B. Access to a public pool within a building or enclosure must be controlled:

(1) by locating the pool in a separate room with self-closing, self-latching doors or gates that restrict access from public spaces to the pool area room; or

(2) by locating the pool in a separate room within a building with fencing or a comparable barrier which is at least four feet high and has self-closing doors and self-latching doors that restrict access to the room; or gates.

~~(3) with fencing or a comparable barrier that complies with subparts 2 to 6, except that the fencing or barrier height specified in subpart 2, item A, may be four feet high.~~

Exception: poolside guest rooms, corridors adjacent to poolside guest rooms, and poolside activity areas may be within the pool enclosure.

4717.1750 POOL WATER CONDITION.

Subp. 3. **Disinfection residual.** When in use, a pool must be continuously disinfected with a chemical that imparts an easily measured, free available residual.

D. The ~~chlorine or bromine~~ disinfectant concentration in an operating pool must not exceed five parts per million for chlorine and ten parts per million for bromine.

Subp. 4. **Disinfection of spa pools.** The ~~bromine residual or free chlorine~~ disinfectant residual in a spa pool must be at least 2.0 parts per million for free chlorine and 4.0 parts per million for bromine throughout the pool when in use.

4717.2450 MARKINGS AND LINES.

Subp. 4. **Stair markings.** The leading edge of stair treads must be marked by a stripe of dark, contrasting color between one-half inch and two inches in width.

4717.2560 RECIRCULATION RATE.

Subp. 5. **Pools with zero depth pool area.** The recirculation system of a pool with a zero depth end must recirculate water at the rate specified in this subpart.

4717.3250 STEPS, LADDERS, HANDHOLDS, AND HANDRAILS.

Subp. 2. **Steps.** Steps leading into the pool must be of nonslip material, have a minimum tread of 12 inches, and have a maximum rise or height of ten inches.

A. ~~The leading edge of step treads must be identified by use of a contrasting color~~ Steps must have accent stripes as specified in part 4717.2450, subpart 4.

4717.3750 STANDARDS FOR POOLS WITH DIVING.

The dimensions of the pool and appurtenances in a diving area must meet the standards in this part.

C. ~~The dimensions of the diving area in all pools where diving is permitted must meet~~ Diving is not permitted, except in areas which conform to the minimum dimensions specified in this part.

D. The dimensions of the diving area in all pools must conform to the minimum dimensions specified in this part.

~~The dimensions of the diving area on all pools must conform to the minimum dimensions in this item.~~

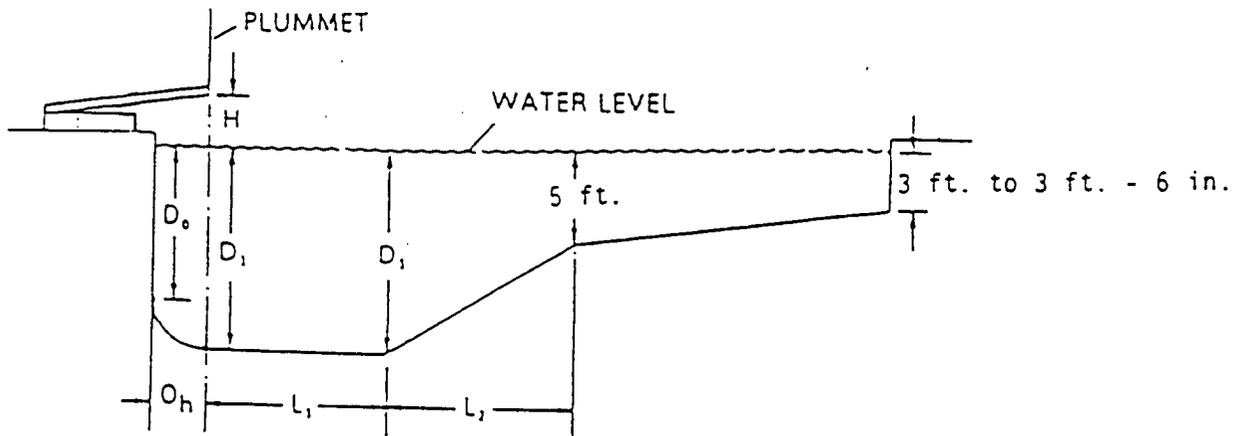
Height of Diving Board	Water Depths		Minimum Overhang	Lengths	
	D ₀	D ₁		Length of Diving Well	Run-out
H			O _h	L ₁	L ₂
Deck Level	6 ft.	8.5 ft.	3 ft.	12 ft.	10.5 ft.
or no board					
1 m	6 ft.	10 ft.	5 ft.	12 ft.	15 ft.
3 m	6 ft.	12 ft.	5 ft.	13 ft.	21 ft.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

Clearances

Height of Diving Board	Water Depths		Adjacent Board's Center-to-Center	Center of Board to Sidewall
	D ₀	D ₁		
H				
Deck Level or no board	6 ft.	8.5 ft.	10 ft.	10 ft.
1 m	6 ft.	10 ft.	10 ft.	10 ft.
3 m	6 ft.	12 ft.	10 ft.	12 ft.



The above are minimum dimensions, and pools to be used for competitive diving must provide pool depths compatible with the level of competition anticipated.

4717.3850 SPA POOLS.

Subp. 10. **Signs.** In addition to the signs required in parts 4717.1050, 4717.1250, 4717.1350, and 4717.1650 signs with the warnings in items A to C must be posted and plainly visible in the spa pool area.

4717.3970 POOL CLOSURE.

When any of the conditions in items A to E are found, a public pool must be immediately closed to use when so ordered by the commissioner. The owner of the pool or the owner's agent must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the commissioner. A pool must be closed when:

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Administration

Notice of Designation of Acting Commissioner for the Department of Administration

Pursuant to *Minnesota Statutes*, 15.06, subd. 3, Governor Arne H. Carlson has designated Robert A. Schroeder as acting commissioner of the Department of Administration effective December 17, 1994.

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on **January 11, 1995**, at **9:00 A.M.** in **Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 156 acres with buildings** located in **Section 33, Castle Rock Township, Dakota County, Minnesota** on behalf of **Eric Ruud**, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is **\$120,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 8 December 1994

Wayne Marsolf
RFA Executive Director (acting)

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on **January 11, 1995**, at **9:00 A.M.** in **Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 45 head of dairy animals** located in **Section 25, Hollywood Township, Carver County, Minnesota** on behalf of **Randy & Dianne Weibel**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$40,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and

Official Notices

interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 8 December 1994

Wayne Marsolf
RFA Executive Director (acting)

Department of Health

Division of Family Health

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Existing Rules, Repeal of Existing Rules, and Development of Rules Governing the Special Supplemental Food Program for Women, Infants and Children (WIC Program)

Introduction. NOTICE IS HEREBY GIVEN that the State Department of Health (the "Department") is seeking information or opinions from sources outside the Department in preparing to propose amendments to *Minnesota Rules* parts 4617.0002, 4617.0020-4617.0030, 4617.0043-4617.0058, and 4617.0170-4617.0180. The amendment of the rules is authorized by *Minnesota Statutes* section 145.894(k), which permits the Commissioner of Health to promulgate all rules necessary to carry out the provisions of sections 145.891 to 145.897, and by *Minnesota Statutes*, section 144.11, which permits the Commissioner of Health to promulgate reasonable rules necessary to carry into effect the provisions of section 144.10.

The issues which the Department may consider when proposing to amend the rules are as follows:

1. Whether the approved food categories, the food approval process, and the food approval criteria, as set forth in *Minnesota Rules* parts 4617.0170-4617.0180, should be amended;
2. Whether the rules should be amended to reflect the fact that community health boards apply to become WIC local agencies;
3. Whether part 4617.0002 should be amended to maintain equivalency with the *Code of Federal Regulations*, title 7, part 246, and for purposes of clarification;
4. How *Minnesota Rules* part 4617.0030 should be amended to reflect the repeal of section 16.098 of the *Minnesota Statutes*, to require the signature of only one legal representative of the local agency, and to include all relevant federal statutes and regulations, including the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990;
5. Whether part 4617.0030 should be amended to reflect the requirement that the local agency develop a nutrition education plan;
6. Whether parts 4617.0044-4617.0058 should be amended to require an annual nutrition education plan, to indicate that the criteria for the nutrition education plan will be specified in the local agency contract, and to repeal parts 4617.0046 and 4617.0047;
7. How the rules should be amended to reflect any changes in the numbering of the rules; and
8. Other issues which arise as a result of comments received or internal review of the existing rules.

The Department will not form an advisory task force with respect to these rule amendments. The Department anticipates that the rulemaking process will be completed by April 30, 1995.

Agency Contact Person. The State Department of Health requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Rick Chiat
WIC Program Supervisor
Department of Health
717 Southeast Delaware Street
PO Box 9441
Minneapolis, MN 55440
Fax: (612) 623-5442

Oral statements will be received during regular business hours over the telephone at (612) 623-5747 and in person at the above address. TDD users may call the Minnesota Department of Health at (612) 623-5522.

Deadline For Submission; Written Material Becomes Part Of Rulemaking Record. All statements of information and opin-

ions will be accepted until further notice is published in the "State Register" that the Department intends to amend the rules. Any written material received by the Department will become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rule amendments are adopted.

Dated: 19 December 1994

Mary Jo O'Brien, Commissioner
Department of Health

Housing Finance Agency

Notice of Public Hearing on the Low Income Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (MHFA) will hold a public hearing pursuant to Section 42 of the *Internal Revenue Code* of 1986, as amended. The public hearing will be held at the time and place listed below:

Friday, January 13, 1995
10 a.m. - 12 p.m. - Jelatis North
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Low Income Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the Allocation Plan developed by MHFA, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of the MHFA. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Bloomington, Washington and Dakota Counties.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing.

Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of the Allocation Plan may be picked up at the address listed below and by mail or phone at (612) 297-3294, and by requesting a copy of the Low Income Housing Tax Credit Allocation Plan.

Minnesota Housing Finance Agency
Multi-Family Underwriting
Low Income Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101

Department of Human Services

Notice of Disproportionate Population Adjustment

The purpose of this notice is to provide information concerning the disproportionate population adjustment (DPA) that is paid for inpatient hospital services under the Medical Assistance (MA) General Assistance Medical Care (GAMC) and MinnesotaCare programs. The listed DPA factors are effective for admissions occurring from January 1, 1995 through December 31, 1995. The DPA is based on the MA inpatient days utilization rate of a hospital compared to the mean utilization rate of all non-state owned hospitals. The utilization rate of each hospital is calculated by dividing MA patient days by total patient days as derived from Medicare cost report data from the base year that is used for all rate setting.

Federal law requires hospitals to meet section 1923(d) of the Social Security Act at the time that an admission occurs in order to

Official Notices

qualify for a DPA payment. Basically, section 1923(d) requires the hospital to meet criteria regarding the provision of obstetric services or specific exemptions. However, Minnesota statutes provide for a hospital payment adjustment that is equal to the DPA for hospitals that do not meet the federal criteria. Since a hospital may change eligibility status over time, both the DPA and hospital payment adjustment are listed. The federal requirements do not affect DPA payments under GAMC.

The MA and MinnesotaCare DPA is calculated as the difference between a hospital's utilization rate and the mean utilization rate. The DPA for a hospital with a utilization rate that is above the mean plus one standard deviation is increased by 10 percent. The MA and MinnesotaCare inpatient total rate of each hospital is increased by the indicated percentage.

The GAMC DPA is calculated as the difference between the hospital's utilization rate and the mean plus one standard deviation utilization rate. The inpatient operating rate of each hospital is increased by the indicated percentage.

In addition to the listed DPA percentage, an intergovernmental transfer of \$1,010,000 that is considered to be a DPA is paid each month to a hospital that received more than 13% of total 1991 MA inpatient payments (Hennepin County Medical Center) and a hospital that received more than 8% of total 1991 MA inpatient payments and is affiliated with the University of Minnesota (University hospital).

Questions or comments may be directed to:

Richard Tester
 Primary Care Payment Policy Division
 Department of Human Services
 444 Lafayette Road
 St. Paul, Minnesota 55155-3853
 (612) 296-5596

DISPROPORTIONATE POPULATION ADJUSTMENT

January 1, 1995

Minnesota + Minnesota Local Trade Area Hospitals

Mean 0.0858
 Std Dev..... 0.0646
 Mean+Std Dev.... 0.1504

		MA MINNESOTA CARE DPA PERCENT	GAMC DPA PERCENT
010478X	Apple River Valley	0.09	
0100093	St. Joseph's, Mankato	0.15	
0101202	United Hospital, St. Paul	0.35	
0101155	First Care Med Serv, Fosston	0.36*	
0107204	Kossuth County, Algona IA	0.42	
0100275	Cuyuna Range, Crosby	0.52	
0126974	Heartland Med Cnt, Fargo ND	0.55	
0101009	St. Peter Community	0.69	
0101144	Pipestone	0.78	
0100548	North Mem Med Center, Mpls.	0.80	
010064X	Itasca, Grand Rapids	0.81	
0109609	Vernon Mem, Viroqua, WI	0.89	
0100810	Divine Providence, Ivanhoe	0.89	
0100978	St. Gabriel's, Little Falls	1.08	
0101020	Worthington Regional	1.09	
0101701	Memorial, Forest Lake	1.31*	
0101905	St. Luke's, Fargo ND	1.37	
0101279	St. Joseph's, St. Paul	1.38	
0100071	Ortonville Municipal	1.57	
010216X	Ladd Mem, Osceola WI	1.73	
0101836	Superior Mem, Superior WI	1.79*	
0102057	Burnett, Grantsburg	1.81	
0100730	International Falls Memorial	1.82	
0100934	Fairview, Princeton	1.89	
0101552	St. Cloud	2.00	
010144X	St. Luke's, Duluth	2.20	
0100708	Rice Memorial, Willmar	2.24	

		MA MINNESOTA CARE DPA PERCENT	GAMC DPA PERCENT
0101086	Memorial, Perham	2.43	
0101687	Tri-County, Wadena	2.49	
0101177	Glacial Ridge, Glenwood	2.50	
0102705	Holy Family, Estherville	2.54	
0101122	Northwestern, TRF	2.55	
0100570	University of Minnesota, Mpls	2.77	
0100162	Mercy, Moose Lake	2.99	
0101406	Ely Bloomenson, Ely	3.01	
0101450	St. Mary's, Duluth	3.70	
0100650	Northern Itasca, Bigfork	3.71	
0100151	Cloquet Community	3.74	
0101778	Monticello/Big Lake	3.87	
0105320	St. Bernard's, Milbank SD	4.02	
0101166	Riverview, Crookston	4.89	
0100672	Jackson Municipal	4.99	
0100694	Kanabec County, Mora	5.01	
0100468	Riverside Med Center, Mpls	5.38	
0101698	Waseca Memorial	5.52	
0101643	Greater Staples Hospital	5.53	
0100526	Metro/Mt Sinai, MPLS	5.64*	
0100297	St. Joseph's, Brainerd	5.71	
0101869	St. Francis, LaCrosse	5.97	
0100785	Trinity, Baudette	6.08	
0102192	St. Croix Valley, St. Croix Falls	6.09	
0100220	Clearwater Memorial, Bagley	6.43	
0100887	Mahnomen County & Village	7.13*	0.02
0100832	Weiner Mem, Marshall	7.57	0.42
0100049	St. Mary's, Detroit Lakes	7.79	0.62
0101439	Miller/Dwan, Duluth	8.25	1.04
0100989	St. Olaf, Austin	8.80	1.54
0100639	Community, Deer River	8.87	1.60
0100264	Windom Area	8.91	1.64
0101042	Olmsted Community, Rochester	9.17	1.88
0108274	Forest City, IA	11.91	4.37
0100027	Mercy Hospital, Coon Rapids	12.47	4.88
0103119	Coteau Des Prairies, Sisseton	12.52	4.92
010005X	Bemidji Hospital	12.56	4.96
0100628	Cambridge Memorial Hospital	13.48	5.79
0101916	United, Grand Forks ND	14.67	6.88
0100945	Mille Lacs Hospital, Onamia	14.87	7.06
0100424	Zumbrota Community	14.88	7.07
0101290	St. Paul Ramsey	15.76	7.87
0101428	Central Messabi, Hibbing	18.54	10.39
0101213	St. Paul Children's	20.67	12.33
0107135	St. Gerard, Hankinson ND	23.00	14.45
0100490	Henn Co Medical Center, Mpls	24.26	15.59
0101825	Mpls Children's Med Center	26.22	17.38
0102002	Gillette Children's, St. Paul	32.08	22.70

*Hospital Payment Adjustment

Official Notices

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective December 27, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Cook: Community Water System-Grand Portage.

Crow Wing: ISD #181 Physical Education Addition Brainerd High School-Brainerd.

Dakota: 1994 Reroofing Rosemount Schools-Apple Valley & Rosemount.

Freeborn: South Central Tech College Auto Shop Venting-Albert Lea.

Hennepin: U of M Health Building HVAC Alterations-Minneapolis.

Kittson: MN/DOT Karlstad Truck Station Ventilation Modifications-Karlstad.

Polk: MN/DOT Erskine Truck Station Ventilation Modifications-Erskine.

St. Louis: Arrival & Departure Building Addition-Ely.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Department of Natural Resources

Division of Fish and Wildlife

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of Rules Governing Rehabilitation Permits for Wild Animals

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose the adoption of amendments to rules governing rehabilitation permits for wild animals.

Subject of Rules and Statutory Authority. The rules concern the permits issued to individuals, and to individuals in the name of institutions, who provide for the care, treatment and release of orphaned and debilitated wild animals. Specifically, the proposed rules will cover: qualifications for a wildlife rehabilitation permit and types of permits; facilities and operating standards; animal health and husbandry for rehabilitation permittees; role of veterinarians; record keeping and reporting requirements; examination and continuing education; general provisions governing wildlife rehabilitation activities; initial testing at time of rule adoption; and permit issuance, renewal, revocation and denial.

The adoption of the rules is authorized by *Minnesota Statutes*, section 97A.401 and 97A.418, which permit the agency to promulgate rules for the above mentioned programs.

Small Business Consideration. Outside opinion is also being solicited as to any effect the rules might have on small business, as defined under *Minnesota Statutes*, section 14.115, subdivision 1.

The rules would have minimal impact on small businesses; only a limited number of practicing veterinarians would be affected. Veterinarians will be able to consult with permit holders regarding treatment and provide treatment of wild animals without a permit and with no record keeping. Veterinarians will be able to hold wild animals up to 48 hours without a permit and without record keeping.

A permit will be needed for animals held by veterinarians more than 48 hours. There will be no fee to obtain a permit, but a written test will be required. For veterinarians, the test should require only a minimum of preparation time and pose little challenge. While all permit holders will be required to keep records of animals treated, forms are provided by the Department and only a small amount of information need be submitted. Some form of broadly defined continuing education pertaining to rehabilitation of wild

animals will be needed for permit renewal; veterinarians should be able to qualify with a minimum of effort or inconvenience. The rules will delineate some general standards for facilities, animals health, and husbandry; these should not be encumbering on veterinarians since they already have facilities and established standards of care for domestic animals.

The rules will require that permit holders (other than veterinarians) identify a licensed veterinarian who has agreed to assist and advise them on the treatment and care of animals being rehabilitated. Any relationship between a rehabilitation permit holder and a veterinarian will be completely voluntary on the part of the veterinarian.

Comments and Agency Contact Person. The Minnesota Department of Natural Resources requests information and opinions concerning the subject matter of the rules.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Blair Joselyn
Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4007

Oral statements will be received during regular business hours over the telephone at (612) 297-4964 and in person at the above address.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity.

A draft of the proposed amendments is available from the agency contact person. An informal group of licensed rehabilitators and others has advised the department on a draft of these rules. If no hearing is required, the rulemaking process is expected to be completed at the end of 1995.

All statements of information and opinions shall be accepted throughout the rulemaking process until the rules are either adopted or withdrawn. All written material received by the Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 13 December 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

Gambling in Minnesota

Lawful Gambling Statutes 1992

Chapter 349. 65 pp. 2-5 SR \$ 6.95

Lawful Gambling Rules 1993

Chapter 7861 thru 7865. 80pp. 3-3 SR \$ 6.95

Gambling Manager's Handbook 1992

Requirements of gambling activities 10-19SR \$16.95

High Stakes: Gambling in Minnesota 1992

Overview to gambling in Minnesota 10-46SR \$ 8.95

Gambling in Minnesota 1993

Supplement to High Stakes Gambling 10-26s1SR \$ 5.95

Gaming News Subscription

Yearly subscription. 90-8SR \$40.00

Gambling Organizations Directory

Lists name and address of licensed gambling organizations in Minnesota 99-2SR \$29.95

Regulatory Accounting Manual

Procedures guide includes tax forms 10-40SR \$14.95

Accounting Manual Worksheets 8-11SR \$ 7.95

View-through Binder 8 1/2 x 11 10-25 SR \$ 5.95

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Pollution Control Agency

Water Quality Division

Notice of Intent to Solicit Outside Information or Opinion Regarding State Water Quality Standards

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking opinion, information and comment from sources outside the MPCA to assist in the preparation of proposed amendments to state water quality standards found in *Minnesota Rules* ch. 7050. The amendment of rule is authorized by *Minnesota Statutes* § 115.03, subd. 1.

Chapter 7050 includes general standards applicable to all waters of the state, numerical water quality standards for the protection of specific beneficial uses such as swimming and fishing, effluent standards for discharges, and a use classification system for all waters of the state.

All amendment activity has not been decided at this time. The MPCA requests information and opinion on any subject matter contained in Chapter 7050, with particular consideration to the following:

1. Adoption of the Great Lakes Initiative (GLI) in the Lake Superior Basin, and adoption of selected portions of the GLI statewide. Due to amendments to the Clean Water Act in 1987, all Great Lakes states, including Minnesota, will be required to adopt the GLI two years after it is published as final rule by the United States Environmental Protection Agency (U.S. EPA). In March 1995, the U.S. EPA is scheduled to publish final rules to implement GLI. The MPCA will be required to make amendments to its water quality standards to control point source discharges in conformance with these rules. The GLI is expected to include special antidegradation designations of waters in the Lake Superior Basin as recommended in the Binational Program to Restore and Protect the Lake Superior Basin. The MPCA will consider these special designations in the water quality standards revision. In addition, the MPCA will review the GLI to determine which, if any, of the provisions of the GLI should be applied statewide.

2. Development of nutrient standards to help protect Minnesota lakes.

3. Review of existing use classes and standards for waters of the state, particularly those standards for use classes: 3 - industrial consumption; 4 - agriculture and wildlife; 5 - aesthetic enjoyment and navigation; and 6 - other uses.

4. Updating methods by which Minnesota water quality standards are developed.

5. Consideration of possible changes in the assigned water use classifications for certain waters of the state including:

A. Additions or modifications to the list of Class 2A waters listed in *Minnesota Rules* pt. 7050.0470 to reflect an update of waters designated as trout streams or trout lakes by the Minnesota Department of Natural Resources.

B. Deletion of the Class 1B Domestic Consumption water use classification assigned to trout waters that are not used as drinking water sources.

6. Review of potential reclassification requests for specific waters of the state. Requests received to date include:

A. Branch No. 3, Lateral No. 2. Co. Dt. 67 and 13, at East Bethel, Anoka County.

B. Trout Brook, at Saint Paul, Ramsey County.

C. Silver Creek, at Aurora, Saint Louis County.

D. Unnamed Ditch, near Owatonna, Steele County.

E. Unnamed Ditch, Co. Dt. No. 37, and West Fork Beaver Creek, near Renville, Renville County.

F. Unnamed Ditches, Buffalo Creek, and High Island Ditch, near Arlington, Sibley County.

G. Unnamed Ditch, at Warroad, Roseau County.

The MPCA intends to use a Technical Advisory Committee in this rulemaking as required under *Minnesota Statute* 115.54 (1986). The MPCA does not intend to form a public task force for this rulemaking.

Any interested persons or groups may submit data or views in writing or orally. Oral statements will be received during regular business hours. Written or oral statements should be directed to:

David E. Maschwitz
Minnesota Pollution Control Agency
Water Quality Division
Saint Paul, Minnesota 55155
Telephone: (612) 296-7255
MN Toll Free: 1-800-657-3864

Draft amendments are tentatively scheduled to be completed by April, 1997.

All statements of information and opinion will be accepted until 4:30 P.M. (CST) on January 26, 1995. Any written materials received by the MPCA shall become a part of the rulemaking record in the event that the rule is amended.

Charles W. Williams
Commissioner

Public Utilities Commission

Public Hearings on the Need for a 100 Megawatt Wind Generation Facility and Notice of Availability of Environmental Report

The public is invited to the following hearings:

LAKE BENTON

Lake Benton High School Gym
101 Garfield Street
Lake Benton, MN
January 12, 1995
2:00 p.m. and 7:00 p.m.

ST. PAUL

Public Utilities Commission
Small Hearing Room
121 7th Place East
St. Paul, MN 55101
January 19 and 20, 1995
9:30 a.m.

The purpose of these hearings is to determine whether the Public Utilities Commission should issue a Certificate of Need to Northern States Power Company (NSP), the proposer of the wind generation facility. A Certificate of Need is a permit confirming that construction of an energy facility is in the public interest. The wind generation facility would be located in and around Lake Benton, Minnesota, and it would generate electricity for sale to NSP under a long-term contract. This project is in response to a statutory directive enacted by the Minnesota Legislature in 1994.

PUBLIC INVITED TO TESTIFY

The public is invited to testify and present exhibits at these public hearings. Members of the public are urged to make their presentations in person. If they cannot, they may submit written comments prior to the close of the hearings to the state-appointed administrative law judge, Allen W. Klein, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138.

The purpose of the hearings on January 12 will be to receive testimony from the public. The purpose of the hearings on January 19 and 20 will be to receive testimony from NSP and intervening parties regarding the proposed 100 megawatt wind generation facility. However, comments from the public will be accommodated to the extent possible.

For more information, or to obtain a copy of the Notice and Order for Hearing which contains additional details on the hearing process, contact David Jacobson, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, or call (612) 297-4562 or 1-800-657-3782.

PUBLIC INVITED TO COMMENT

Copies of the Environmental Report will be available for review at the Public Hearings noticed above. If parties wish to receive a copy of the report, please contact Roxanne Colby at the Department of Public Service, 121 Seventh Place East, Suite 200, St. Paul, MN 55101-2145 or by telephone at 612-296-9314. Written comments on the Environmental Report should be submitted to the Department on or before January 20, 1995.

A more detailed Environmental Impact Assessment (EIA) will be prepared at a later date by the Environmental Quality Board in issuing the siting permit for the facility. For more information regarding the EIA Siting Process, contact Larry Hartman, Environmental Quality Board, 658 Cedar St., St. Paul, MN 55155, or call (612) 296-5089 or 1-800-657-3794.

Department of Transportation

Petition of Hennepin County for a Variance from State Aid Requirements for PLAN APPROVAL AFTER AWARD OF CONTRACT

NOTICE IS HEREBY GIVEN that the County Board of Hennepin County has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on County State Aid Highway No. 62, between Trunk Highway No. 101 and County State Aid Highway No. 4 in the Cities of Minnetonka and Eden Prairie, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow the use of State Aid funds to be expended on the proposed construction project on County State Aid Highway No. 62, between Trunk Highway No. 101 and County State Aid Highway No. 4 in the Cities of Minnetonka and Eden Prairie, for which final plans were approved by the State Aid Engineer after award of contract, in lieu of the required plan approval prior to award of contract.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the "State Register," the variance can be granted only after a contested case hearing has been held on the request.

Dated: 2 December 1994

Patrick M. Murphy
Division Director
State Aid for Local
Transportation

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Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Agriculture

Agriculture Planning & Development Division

Notice of Request for Proposal to Develop Handbooks on Local Comprehensive Planning and Zoning for Feedlots and Agricultural Land Preservation Planning

The Minnesota Department of Agriculture is seeking proposals from qualified firms and individuals to develop two handbooks: a handbook on local comprehensive planning and zoning for feedlots; and a handbook on agricultural land preservation planning. The firm or individual will provide all labor and materials. The handbooks will be used in a technical assistance program on local land use planning aspects of siting feedlots (developing local feedlot ordinances and integrating ordinances into comprehensive plans and official controls).

The Request for Proposal is available by calling or writing Robert Patton, Project Coordinator, Agriculture Planning and Development Division, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107-2094. Telephone: (612) 296-5226. TDD: MN Relay Service – Twin Cities Metro 297-5353; Greater Minnesota 1-800-627-3529.

Estimated cost of the project should not exceed \$75,000.

Proposals must be received no later than January 23, 1995 by 4:00 p.m.

Details concerning submission requirements are included in the Request for Proposal.

Department of Agriculture

Agriculture Planning & Development Division

Notice of Request for Proposal to Conduct Group Interviews (a.k.a., "Focus Groups") on Local Comprehensive Planning Needs Related to Feedlots, and to Prepare Reports on the Findings

The Minnesota Department of Agriculture is seeking proposals from qualified firms and individuals to conduct group interviews with local officials, farmers, citizen groups, and others on local land use planning needs related to feedlots, and to prepare reports on the findings. The firm or individual will provide all labor and materials. The group interviews are expected to result in input from persons involved in and affected by feedlot siting issues which will be useful for determining the nature of, and how best to deliver, technical assistance and information to local government on land use planning aspects of siting feedlots (developing local feedlot ordinances and integrating ordinances into comprehensive plans and official controls).

The Request for Proposal is available by calling or writing Robert Patton, Project Coordinator, Agriculture Planning and Development Division, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107-2094. Telephone: (612) 296-5226. TDD: MN Relay Service – Twin Cities Metro 297-5353; Greater Minnesota 1-800-627-3529.

Estimated cost of the project should not exceed \$25,000.

Proposals must be received no later than January 23, 1995 by 4:00 p.m.

Details concerning submission requirements are included in the Request for Proposal.

Professional, Technical & Consulting Contracts

Department of Corrections

Community Services Division

Notice of Availability of Funds for Pre/Post Release Transition Services

The Minnesota Department of Corrections, Community Services Division, announces the availability of funds for pre/post release transition services.

Approximately \$225,000 may be made available to public or private organizations for the purpose of providing pre/post release transition services. Pre-release clientele will include adult felons (male and female) at the Minnesota Correctional Facilities - Shakopee, Stillwater and St. Cloud. Post-release transitional services will be provided to supervised releasees from the above institutions who will reside in the seven county metropolitan area. Funding will be for approximately twelve (12) months beginning July 1, 1995, and terminating on June 30, 1996.

While there is no assurance of continued funding for following years, it is probable that funding for future contracts will be available.

To be eligible to apply for this contract, an applicant organization must have experience in providing similar services.

The deadline for contract proposal submission is Friday, February 10, 1995, at 4:30 p.m. at the address below. To receive a request for proposal which describes in detail the application process for this funding contact: Nancy Montemurro, Minnesota Department of Corrections, Community Services Division, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, MN 55104, 612/642-0235.

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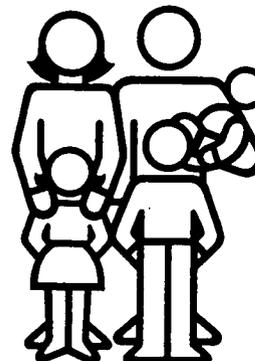
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(...formerly known as the MA/GAMC Medical Care Provider Manual) This MinnesotaCare Programs Provider Manual provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994)
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MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993)
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Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993)
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